

# New York's Worst Responders



Firefighters, protesting a city decision to reduce manpower at ground zero, skirmished with police officers who tried to hold them behind barricades.

NYPD and 9/11



## 1. The Avoidable Deaths



# THE 9/11 COMMISSION REPORT

## Final Report of the National Commission on Terrorist Attacks Upon the United States

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**The New York Police Department.** The 40,000-officer NYPD was headed by a police commissioner, whose duties were not primarily operational but who retained operational authority. Much of the NYPD's operational activities were run by the chief of department. In the event of a major emergency, a leading role would be played by the Special Operations Division. This division included the Aviation Unit, which provided helicopters for surveys and rescues, and the Emergency Service Unit (ESU), which carried out specialized rescue missions. The NYPD had specific and detailed standard operating procedures for the dispatch of officers to an incident, depending on the incident's magnitude.

The NYPD precincts were divided into 35 different radio zones, with a central radio dispatcher assigned to each. In addition, there were several radio channels for citywide operations. Officers had portable radios with 20 or more available channels, so that the user could respond outside his or her precinct. ESU teams also had these channels but at an operation would use a separate point-to-point channel (which was not monitored by a dispatcher).

The NYPD also supervised the city's 911 emergency call system. Its approximately 1,200 operators, radio dispatchers, and supervisors were civilian employees of the NYPD. They were trained in the rudiments of emergency response. When a 911 call concerned a fire, it was transferred to FDNY dispatch.

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The 911 operators and FDNY dispatchers had no information about either the location or the magnitude of the impact zone and were therefore unable to provide information as fundamental as whether callers were above or below the fire. Because the operators were not informed of NYPD Aviation's determination of the impossibility of rooftop rescues from the Twin Towers on that day, they could not knowledgeably answer when callers asked whether to go

up or down. In most instances, therefore, the operators and the FDNY dispatchers relied on standard operating procedures for high-rise fires—that civilians should stay low, remain where they are, and wait for emergency personnel to reach them.

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Within ten minutes of impact, smoke was beginning to rise to the upper floors in debilitating volumes and isolated fires were reported, although there were some pockets of refuge. Faced with insufferable heat, smoke, and fire, and with no prospect for relief, some jumped or fell from the building.

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At 8:50, the Aviation Unit of the NYPD dispatched two helicopters to the WTC to report on conditions and assess the feasibility of a rooftop landing or of special rescue operations. En route, the two helicopters communicated with air traffic controllers at the area's three major airports and informed them of the commercial airplane crash at the World Trade Center. The air traffic controllers had been unaware of the incident.

At 8:56, an NYPD ESU team asked to be picked up at the Wall Street heliport to initiate rooftop rescues. At 8:58, however, after assessing the North Tower roof, a helicopter pilot advised the ESU team that they could not land on the roof, because "it is too engulfed in flames and heavy smoke condition."

By 9:00, a third NYPD helicopter was responding to the WTC complex. NYPD helicopters and ESU officers remained on the scene throughout the morning, prepared to commence rescue operations on the roof if conditions improved. Both FDNY and NYPD protocols called for FDNY personnel to be placed in NYPD helicopters in the event of an attempted rooftop rescue at a high-rise fire. No FDNY personnel were placed in NYPD helicopters on September 11.

The 911 operators and FDNY dispatchers were not advised that rooftop rescues were not being undertaken. They thus were not able to communicate this fact to callers, some of whom spoke of attempting to climb to the roof.

Two on-duty NYPD officers were on the 20th floor of the North Tower at 8:46. They climbed to the 29th floor, urging civilians to evacuate, but did not locate a group of civilians trapped on the 22nd floor.

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**FDNY North Tower Operations.** Command and control decisions were affected by the lack of knowledge of what was happening 30, 60, 90, and 100 floors above. According to one of the chiefs in the lobby, "One of the most critical things in a major operation like this is to have information. We didn't have a lot of information coming in. We didn't receive any reports of what was seen from the [NYPD] helicopters. It was impossible to know how much damage was done on the upper floors, whether the stairwells were intact or not."<sup>106</sup> According to another chief present, "People watching on TV certainly had more knowledge of what was happening a hundred floors above us than we did in the lobby. . . . [W]ithout critical information coming in . . . it's very difficult to make informed, critical decisions[.]"

As a result, chiefs in the lobby disagreed over whether anyone at or above the impact zone possibly could be rescued, or whether there should be even

limited firefighting for the purpose of cutting exit routes through fire zones.

Many units were simply instructed to ascend toward the impact zone and report back to the lobby via radio. Some units were directed to assist specific groups of individuals trapped in elevators or in offices well below the impact zone. One FDNY company successfully rescued some civilians who were trapped on the 22nd floor as a result of damage caused by the initial fireball.

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**Interaction of 911 Calls and NYPD Operations.** At 9:37, a civilian on the 106th floor of the South Tower reported to a 911 operator that a lower floor—the “90-something floor”—was collapsing. This information was conveyed inaccurately by the 911 operator to an NYPD dispatcher. The dispatcher further confused the substance of the 911 call by telling NYPD officers at the WTC complex that “the 106th floor is crumbling” at 9:52, 15 minutes after the 911 call was placed. The NYPD dispatcher conveyed this message on the radio frequency used in precincts in the vicinity of the WTC and subsequently on the Special Operations Division channel, but not on City Wide channel 1.

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After the South Tower collapsed, some firefighters on the streets neighboring the North Tower remained where they were or came closer to the North Tower. Some of these firefighters did not know that the South Tower had collapsed, but many chose despite that knowledge to remain in an attempt to save additional lives. According to one such firefighter, a chief who was preparing to mount a search-and-rescue mission in the Marriott, “I would never think of myself as a leader of men if I had headed north on West Street after [the] South Tower collapsed.” Just outside the North Tower on West Street one firefighter was directing others exiting the building, telling them when no jumpers were coming down and it was safe to run out. A senior chief had grabbed an NYPD bullhorn and was urging firefighters exiting onto West Street to continue running north, well away from the WTC. Three of the most senior and respected members of the FDNY were involved in attempting to rescue civilians and firefighters from the Marriott.

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### **NYPD Response**

A member of the NYPD Aviation Unit radioed that the South Tower had collapsed immediately after it happened, and further advised that all people in the WTC complex and nearby areas should be evacuated. At 10:04, NYPD aviation reported that the top 15 stories of the North Tower “were glowing red” and that they might collapse. At 10:08, a helicopter pilot warned that he did not believe the North Tower would last much longer.

Immediately after the South Tower collapsed, many NYPD radio frequencies became overwhelmed with transmissions relating to injured, trapped, or missing officers. As a result, NYPD radio communications became strained on most channels. Nevertheless, they remained effective enough for the two closest NYPD mobilization points to be moved further from the WTC at 10:06.

Just like most firefighters, the ESU rescue teams in the North Tower had no idea that the South Tower had collapsed. However, by 10:00 the ESU officer

running the command post at Church and Vesey ordered the evacuation of all ESU units from the WTC complex. This officer, who had observed the South Tower collapse, reported it to ESU units in the North Tower in his evacuation instruction.

This instruction was clearly heard by the two ESU units already in the North Tower and the other ESU unit preparing to enter the tower. The ESU team on the 31st floor found the full collapse of the South Tower so unfathomable that they radioed back to the ESU officer at the command post and asked him to repeat his communication. He reiterated his urgent message.

The ESU team on the 31st floor conferred with the FDNY personnel there to ensure that they, too, knew that they had to evacuate, then proceeded down stairwell B. During the descent, they reported seeing many firefighters who were resting and did not seem to be in the process of evacuating. They further reported advising these firefighters to evacuate, but said that at times they were not acknowledged. In the opinion of one of the ESU officers, some of these firefighters essentially refused to take orders from cops. At least one firefighter who was in the North Tower has supported that assessment, stating that he was not going to take an evacuation instruction from a cop that morning. However, another firefighter reports that ESU officers ran past him without advising him to evacuate.

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The NYPD experienced comparatively fewer internal command and control and communications issues. Because the department has a history of mobilizing thousands of officers for major events requiring crowd control, its technical radio capability and major incident protocols were more easily adapted to an incident of the magnitude of 9/11. In addition, its mission that day lay largely outside the towers themselves. Although there were ESU teams and a few individual police officers climbing in the towers, the vast majority of NYPD personnel were staged outside, assisting with crowd control and evacuation and securing other sites in the city. The NYPD ESU division had firm command and control over its units, in part because there were so few of them (in comparison to the number of FDNY companies) and all reported to the same ESU command post.

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Information that was critical to informed decisionmaking was not shared among agencies. FDNY chiefs in leadership roles that morning have told us that their decision making capability was hampered by a lack of information from NYPD aviation. At 9:51 A.M., a helicopter pilot cautioned that "large pieces" of the South Tower appeared to be about to fall and could pose a danger to those below. Immediately after the tower's collapse, a helicopter pilot radioed that news. This transmission was followed by communications at 10:08, 10:15, and 10:22 that called into question the condition of the North Tower. The FDNY chiefs would have benefited greatly had they been able to communicate with personnel in a helicopter.

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## Communication from NYPD Aviation Unit

### 10:06 am

Advises everybody to evacuate area in vicinity of Battery Park City and states that, about 15 floors from top, it is totally glowing red on inside and collapse was inevitable. Advises that it is isn't going to take much longer before North tower comes down and to pull emergency vehicles back from building.

### 10:21 am

First reports that top of tower might be leaning, then confirms that it is buckling and leaning to the South. Reports that North tower is leaning to the Southwest and appears to be buckling in Southwest corner. Advises that all personnel close to building pull back three blocks in every direction.



### 10:28 am

Reports that roof is going to come down very shortly. Reports that tower is collapsing.

### 4.3 EMERGENCY RESPONSE OPERATIONS CHRONOLOGY

This section provides an overview of the emergency response operations carried out by FDNY, NYPD, and PAPD at the WTC.

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- 9:41 a.m. NYPD dispatcher advises units that floor 106 in WTC 2 is collapsing and that the message comes from someone on that floor. (NYPD Division 1 Radio Channel)
- 9:49 a.m. NYPD aviation unit gives a radio report stating that "large pieces" may be falling from the top of WTC 2. Large pieces are hanging up there. (NYPD SOD Radio Channel)
- 9:51 a.m. NYPD dispatcher advises that at WTC 2, floor 106 is crumbling per communications with victims trapped on the floor. (NYPD SOD Radio Channel)
- 9:58 a.m. NYPD aviation unit advises that the south tower is coming down. (NYPD SOD Radio Channel)
- 10:06 a.m. NYPD officer advises that it isn't going to take much longer before the north tower comes down and to pull emergency vehicles back from the building. (NYPD SOD Radio Channel)
- 10:20 a.m. NYPD aviation unit reports that the top of the tower might be leaning. (NYPD SOD Radio Channel)
- 10:21 a.m. NYPD aviation unit reports that the north tower is buckling on the southwest corner and leaning to the south. (NYPD SOD Radio Channel)
- NYPD officer advises that all personnel close to the building pull back three blocks in every direction. (NYPD SOD Radio Channel)
- 10:27 a.m. NYPD aviation unit reports that the roof is going to come down very shortly. (NYPD SOD Radio Channel)
- 10:28 a.m. NYPD officer reports that the tower is collapsing. (NYPD SOD Radio Channel)
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The NYPD dispatcher transmitted the message at 9:41 a.m. and again at 9:51 a.m., identifying the collapsed floor as being the 106<sup>th</sup> floor. Communications from the NYPD aviation units describes a steady deterioration of the two WTC towers before they collapsed.

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- 9:41 a.m. FDNY radio communications on the City-wide, high-rise Channel 7 (PA/WTC Radio Channel 30): Hazmat 1 (Hazardous Materials Unit) reports that they are on floor 48 of WTC 2 in the B stairway. (PA/WTC Radio Channel 30 recording)
- 9:42 a.m. FDNY radio communications on the City-wide, high-rise Channel 7 (PA/WTC Radio Channel 30): A firefighter informs the Battalion Chief that he cannot find any elevator banks that are operating above floor 40. The Chief advises the firefighter that he should climb the B stairway from his location. (PA/WTC Radio Channel 30 recording)
- 9:45 a.m. FDNY radio communications on the City-wide, high-rise Channel 7 (PA/WTC Radio Channel 30): A firefighter calls the Battalion Chief and reports that they had to take their coats off. (PA/WTC Radio Channel 30 recording)
- 9:47 a.m. FDNY radio communications on the City-wide, high-rise Channel 7 (PA/WTC Radio Channel 30): a firefighter inside WTC 2 reports that he is standing in the B stairway on floor 74 and there is no smoke or fire problem. He reports that the stairway walls have been breached on floors 73 and 74. Another FDNY unit in the same stairway reports that the walls were also breached on floor 68. (PA/WTC Radio Channel 30 recording)
- FDNY radio communications on the City-wide, high-rise Channel 7 (PA/WTC Radio Channel 30): a firefighter inside WTC 2 reports that he is standing in the B stairway on floor 74 and there is no smoke or fire problem. He reports that the stairway walls have been breached on floors 73 and 74. Another FDNY unit in the same stairway reports that the walls were also breached on floor 68. (PA/WTC Radio Channel 30 recording)
- 9:49 a.m. FDNY radio communications on the City-wide, high-rise Channel 7 (PA/WTC Radio Channel 30): A Battalion Chief instructs a firefighter that it is imperative that he get down to the lobby command post to get some people up to floor 40. Injured people are being sent down from floor 70. The firefighter is inside an operating elevator and is reporting that it is not operating properly and expresses concerns about the elevator
- 9:54 a.m. FDNY radio communications on the City-wide, high-rise Channel 7 (PA/WTC Radio Channel 30): A Battalion Chief calls for a Ladder company in the A stairway to extinguish two fires. They are attempting to stretch building hose lines on about floor 78. (PA/WTC Radio Channel 30 recording)
- FDNY radio communications on the City-wide, high-rise Channel 7 (PA/WTC Radio Channel 30): A firefighter calls to the Battalion Chief that he is on floor 55 and must stop to rest. (PA/WTC Radio Channel 30 recording)
- 9:56 a.m. FDNY radio communications on the City-wide, high-rise Channel 7 (PA/WTC Radio Channel 30): inside WTC 2, a firefighter states they are in the B stairway and that they will have to put some fire out in order to get to the A stairway. (PA/WTC Radio Channel 30 recording)
- FDNY radio communications on the City-wide, high-rise Channel 7 (PA/WTC Radio Channel 30): A firefighter in WTC 2 reports that he is trapped in an elevator in the elevator shaft and that they are chopping their way out. (PA/WTC Radio Channel 30 recording)
- 9:59 a.m. FDNY Marine unit reports the collapse of WTC 2. (FDNY World Trade Center Incident Summary, 2001)
- 10:28 a.m. FDNY Marine unit advises that the second WTC tower collapsed. (FDNY World Trade Center Incident Summary, 2001)

## Concerns over lack of FDNY helicopter

Eyewitness News Exclusive

 By abc7NY

Wednesday, February 4, 2009

**New York** When there's a high-rise fire, the FDNY must rely on the police department's chopper to get a bird's-eye-view.

It's an arrangement that, as the Eyewitness News Investigators have discovered, could be slowing down the fire department's aerial response time.

Chicago's fire department has its own helicopter, so does Los Angeles and Miami. But in the city with more skyscrapers than all those places combined, the fire department must get a ride on the police chopper to get above the scene -- something two former fire chiefs say is inherently flawed.

After the first Trade tower collapsed on 9/11, the NYPD Aviation Unit noticed the remaining tower was unstable. The pilots communicated that to police below on their own special radio frequency.

While police knew to evacuate, firefighters never got that warning from above.

Now, whenever there's a major fire or incident a specially trained FDNY battalion chief is on board one of the NYPD's seven helicopter's so he can communicate vital information to firefighters below at the scene.

"There's inherent delay there in putting that into effect," said Peter Hayden, a former chief of the department.

The former chief of the FDNY says relying on the NYPD chopper to hitch a ride to a major fire, wastes valuable time.

"When you have a significant delay like that in getting resources there that provide you with information that will assist you in making decisions, then there's a flaw in the system," Hayden said.

The flaw was clearly exposed during last summer's Con Ed steam pipe explosion.

Just before 6 o'clock in the evening, an alarm came in to the FDNY about an explosion in Midtown. At 6:01, a battalion chief was dispatched from Canarsie, Brooklyn to Floyd Bennet Field where the police aviation unit is located.

He later radioed his arrival at 6:23 and waited for the NYPD chopper. At 6:37 dispatch got word that they're still not off the ground.

Dispatch tape: "58 battalion, recon chief are at Floyd Bennett and in the process of getting airborne. 10-4"

Finally at 7:00, the chief transmits that they're airborne and five minutes from the scene.

Dispatch tape: "Battalion 58 air recon, we're airborne about 5 minutes eta."

They arrived at 7:04, one hour and three minutes after being dispatched.

"It's obviously too long," said Daniel Nigro, a former FDNY chief.

Former chief of the department Daniel Nigro says the delay underscores the need for the FDNY to have its own aviation unit.

Daniel Nigro: "A dedicated helicopter in the fire department would have been able to put somebody over the scene in quite a bit less time than that."

Jim Hoffer: "And why is that important?"

Daniel: "For surveillance number one."

When there's a high-rise fire in Chicago, firefighters are above the scene in just minutes because the department operates its own helicopters.

"The high rise buildings in the central business district lie within 8-10 minutes response time from this location," said Chief Harry Vergis of the Chicago Fire Department.

The chief of the department for the FDNY insists their reliance on the police helicopter has no impact on their response times.

Chief Salvatore Cassano: "There's no delay in response times with police department helicopters."

Remember, the FDNY dispatch tapes indicate it took more than an hour to get a chief over the scene.

Jim Hoffer: "Would an hour to respond be too long?"

Cassano: "Yes."

While two former chiefs tell us sharing a chopper with police delays aerial response, the current chief sees no need to change.

"The response we have from the police department and the audio feed, video feed with chief up in the helicopter we're very satisfied with the policy that we have in effect," Chief Cassano said.

The police department says its aviation logs show it took 50 minutes to get the fire chief above the steam pipe explosion. That's inconsistent with the chief's radio transmission that indicated it took more than an hour.



## 2. The Looting





# AMERICAN GROUND: Unbuilding the World Trade Center

PART THREE

## THE DANCE OF THE DINOSAURS

*After nine months of unrivaled access to the disaster site,  
our correspondent tells the inside story of the recovery effort.  
This is the final installment in a three-part series*

BY WILLIAM LANGEWIESCHE

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Strangely enough, it was this patriotic imagery that ultimately drove the disunity on the pile, and that by early November nearly caused the recovery effort to fall apart. The mechanisms were complex. On the one hand, there were some among the construction workers and the police who grew unreasonably impatient with the firemen, and became overeager to repeat the obvious—in polite terms, that these so-called heroes were just ordinary men. On the other hand, the firemen seemed to become steadily more self-absorbed and isolated from the larger cleanup efforts under way. The resentments rarely erupted into fistfights (though fistfights did occur) but increasingly were expressed in private conversations on the pile—often on the subject of the looting that for the first few months tarnished the Trade Center response.

The looting was shadowy, widespread, and unsurprising. The Trade Center was known to have been hit before by errant policemen and firemen, after the terrorist bombing of 1993. This time the thievery was less intense but longer-lived. It involved small numbers of construction workers and

men from the same uniformed groups as before, and it was shallow and opportunistic rather than deeply criminal in intent. It started in the shopping complex, with the innocuous filching of cigarettes and soda pop, and expanded into more ambitious acquisitions. As rumor had it, the tribalism at the site extended even to the choice of goods. Firemen were said to prefer watches from the Tourneau store, policemen to opt for kitchen appliances, and construction workers (who were at a disadvantage here) to enjoy picking through whatever leftovers they came upon—for instance, wine under the ruins of the Marriott hotel, and cases of contraband cigarettes that spilled from U.S. Customs vaults in the Building Six debris. No one, as far as I know, stole women's clothes, which hung on racks for months, or lifted books from the Borders bookstore, which were said to be contaminated with dangerous mold. After a few arrests were made, the filching shifted to the peripheral buildings, which were gradually thinned of computers until authorities wised up and posted guards. It's important to realize that these transgressions occurred not in a normal part of the city but in a war zone, where standards had changed, food and supplies were provided free of charge, and a flood of donated goods (flashlights, gloves, Timberland boots) was believed to be backwashing onto the streets. It was also a place where the entire nation had been attacked and was responding as a collective, and where therefore, surprisingly for modern America, the meaning of individual property had been diminished. In context the looting simply did not seem important.

Knowledge of it, however, cast a shadow on the use of the word "hero," and at least once became a source of searing embarrassment and bitter mockery. One autumn afternoon, at the base of the South Tower ruins, diesel excavators were digging into unexplored reaches of the Trade Center's foundation hole. Fifty feet below the level of the street they began to uncover the hulk of a fire truck that had been driven deep by the collapse. The work that afternoon was being directed by the field superintendent for one of the major construction companies, a muscular and charismatic man who was widely admired (and to some extent feared) for his unabashed physicality and his

manner of plunging unhesitatingly into battle with the debris. If for no other reason than his confidence in the enormous mechanical power at his disposal, the superintendent believed in acting first and worrying about the consequences later. Early on he made it clear to me that were he in charge, he would clean up the site in no time flat, and that his first step would be to throw the firemen off the pile. He might even have included Sam Melisi in the toss, hard as that was to imagine. He assured me that he hadn't disliked firemen before (he shrugged and said, "Why would I?"), but he just couldn't stand this hero stuff anymore. He didn't like the moralistic airs these guys were putting on. He didn't like the way they treated the civilian dead. And he especially didn't like the fact that they kept forcing his operation to shut down—once for an entire day—while they worked by hand and poked through the rubble for their colleagues' remains.

Imagine his delight, then, after the hulk of the fire truck appeared, that rather than containing bodies (which would have required decorum), its crew cab was filled with dozens of new pairs of jeans from The Gap, a Trade Center store. When a grappler pulled off the roof, the jeans were revealed for all to see. It was exactly the sort of evidence the field superintendent had been waiting for. While a crowd of initially bewildered firemen looked on, the construction workers went wild. "Jeans! Look at these ... Fucking guys! Jeans!" It was hard to avoid the conclusion that the looting had begun even before the first tower fell, and that while hundreds of doomed firemen had climbed through the wounded buildings, this particular crew had been engaged in something else entirely, without the slightest suspicion that the South Tower was about to hammer down. Of course this was not what the firemen wanted to hear. An angry fire chief tried to shut the construction workers up. He offered an explanation—that the jeans (tagged, folded, stacked by size) had been blown into the crew cab by the force of the collapse. The field superintendent, seeming not to hear, asked the fire chief to repeat what he had said. When he did, the construction workers only jeered louder.

## AMERICAN GROUND

**A**t its most chaotic the underground was like the abstract netherworld we encountered during the chiller-plant run—as shredded as the surface of the pile, yet without the organizing principle of the sky. But that was the extreme. Much of the underground was intuitively easy to understand. It consisted of parking garages, often in some stage of collapse, where more than a thousand cars now stood abandoned and covered with the standard gray concrete dust. A disproportionate number of the cars were BMWs, Jaguars, Lexuses, and the like—indicating, if nothing else, the preponderance of a certain culture that had thrived here. Although a few seemed strangely untouched, most were crushed, sliced, blasted, or burned. Along the north side, where the basement structure remained strong and intact (and was ultimately preserved), the fire had been so intense in places that it had consumed the tires and interiors, and had left hulks sitting on axles above hardened pools of aluminum wheels. Three presidential limousines stood in there too, but they were locked away, and remained unscathed. When access was opened, the Secret Service rushed in and with a great show of secrecy loaded the limousines onto flatbed trucks, covered them with tarps, and hauled them back to Washington.

There was a romantic idea, widespread at first, that the Trade Center underground would contain wonderful and varied treasures—but it never quite panned out. Along the north side before the collapses there were firing ranges and gun rooms for various police agencies, and vaults containing confiscated narcotics and cigarettes, and there was a collection of artifacts from a Colonial-era African-American burial ground, but aside from the garages and the PATH facilities, the basements consisted for the most part of utility spaces and storage rooms in which the things that were kept were basement things—tools, wire spools, spare chairs and partitions, and, in one particularly claustrophobic corner, glossy brochures from the former 107th-floor observation deck of the South Tower. Out beyond the foundation hole, in the burned-through remains of Building Five, a Citibank vault

## THE INNER WORLD

was stacked with a fortune in bundled currency—which, however, had been baked and turned to ash. Nearby, a vault left open at Morgan Stanley turned out to be almost as disappointing. It contained \$2.7 billion, but in financial certificates that would have been nearly impossible for a thief to translate into cash. A Brinks car reportedly holding \$14 million was stuck in the ruins for a few weeks, adding an exotic touch to the underground until Brinks was able to remove it. The newspapers reported the loss of government safes containing top-secret documents, for what that was worth. They also reported the loss of important legal documents, news of which caused no stir.

Ultimately, only one Trade Center treasure was worthy of the name. It was a hoard of gold and silver ingots, valued at about \$250 million, that filled a two-story vault in the remnants of an old railroad station under the ruins of Building Four.

A quarter of a billion dollars' worth of gold and silver turned out to be a lot of ingots—more than 30,000 in this case. The ingots weighed up to seventy pounds each, and were stacked on wooden pallets that could be moved within the vault by forklift and internal elevator. Their total weight was 1.9 million pounds. The vault belonged to the Bank of Nova Scotia. The bank held the treasure to legitimize trading in the precious-metals market. In practice it was expected that the metal would remain in the vault, even as it was bought and sold in various forms. There were guards to make sure that nothing went wrong with the stock. It never did. Even after the attacks of September 11 security was not a worry, because the guards had bolted the door before fleeing, and mounds of heavy debris blocked any conceivable access. The treasure lay locked in a vault inside a vault. At least that was the thinking.

But when, at the end of October, a pathway was finally cleared, down a truck ramp from the north and through an old railroad tunnel, the bank's initial entry team discovered that others had been there before, attempting to pry open the vault's door and to cut in from above, in both cases unsuccessfully.

## AMERICAN GROUND

Though it was presumed that the intruders had been construction workers, it never became clear who exactly they were, where they had come from, or how they had proposed to get away through these ruins with more than just a few ingots. But if the unbuilding of the World Trade Center had already shown one thing, it was that the workers there were resourceful and persistent. The bank hurriedly organized a convoy of armored trucks and over the course of several days, amid another display of pomp and secrecy, moved the gold and silver out. It took 120 trips. No one was supposed to know that the destination was the Brooklyn Navy Yard, but everyone did. Over the weekend people made a point of getting past the security detail—cops in bullet-proof vests, cradling riot guns—and down into the vault to watch the treasure disappear. It was an innocent distraction. The vault inside was not merely undamaged but well lit and pristine. For one weekend it served the underground as a tourist destination.

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[...]

## AFTERWORD

One of the peripheral points of contention by the Living History Project was that there had never been, as I had written, an attempt (presumably by workers with a cutting torch and heavy tools) to break into a huge Bank of Nova Scotia vault containing gold and silver, underground in the old H&M Railroad station at the site. I knew that the bank had denied an attempted theft at the time, even as the bullion was being urgently transferred to another location; police thought otherwise, and said so to the press. Now in the Living History Project document, a Port Authority police lieutenant was cited as saying that there had been no sign of an attempted break-in. Later, to the press, he wondered why no one had spoken to him. I was in the vault several times, and heard about a break-in attempt firsthand from the police and others standing guard there, some of them with shot-guns. I was also told about it by an independent engineer who had a supervisory role in helping with the removal of the bullion, and by city and Port Authority officials who were directly involved. Contemporary newspaper reports in *The New York Times* and elsewhere refer to an attempted break-in. In the end there seemed to be no good reason to change the text.

As noted, these criticisms and more were posted by the Living History Project on the Internet, and some were offered up at the public demonstrations and to the press. I responded repeatedly to the more important points, but tried to avoid sinking into the swamp of confused allegations and misinterpretations, many of them based on erroneous and perhaps naïve assumptions. Some of *American Ground's* critics seemed to be unacquainted with the concept of "spin," or with the notion that people in nominal positions of authority might not know what was actually transpiring on the ground. In the free-for-all of the pile, the titular authorities often didn't even know that they didn't know. In such circumstances, there were frequent discrepancies between official reports and reality.

**Title:** Interview: William Langewiesche discusses an upcoming series of articles to appear in The Atlantic Monthly regarding the cleanup at ground zero

**Authors:** NEAL CONAN

**Source:** Talk of the Nation (NPR). 07/02/2002.

**Accession Number:** 6XN200207021501

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CONAN: Let's go now to Terry, who's with us from Phoenix, Arizona.

TERRY (Caller): Yes, Mr. Langewiesche, I was really intrigued by your article. Congratulations on a truly remarkable piece of journalism. There were two items in your article that are somewhat troubling beyond the fact that the whole event itself, of course, is troubling. And one of them is the statement that I believe that you made for the sake of honest, straightforward journalism. You discovered a sign that said, 'Kill all Muslims.' And that must have been a very difficult decision to even put that entry in your article, and I wonder if you might comment on that.

And the second thing that I found particularly troubling was the amount of thievery and theft that took place, and the obvious fact that it apparently was perpetrated by Fire Department or rescue workers or Police Department personnel. And I wonder if you were able to research that issue any further, and whether you were able to determine with any great specific whether that, in fact, was conducted by rescue personnel or did the companies that, for instance, own the leases go in and remove their items?  
...(Unintelligible).

Mr. LANGEWIESCHE: Well, look, both of those are really big questions. And first of all, I want to thank you for your kind words. As far as the graffiti 'Kill all Muslims,' you know, it's part of the scene of the battlefield. I mean, I had no problem reporting that at all because I didn't take it to be that significant. I mean, it only takes one person to write graffiti. And these people—nobody there was a saint, I mean, except for maybe Sam Elisee. But I mean...

TERRY: You know, it is a human response, not necessarily...

Mr. LANGEWIESCHE: Yeah. Totally human response.



TERRY: Right.

Mr. LANGEWIESCHE: Totally understandable. No great significance. And the person who wrote, you know, 'Kill all Muslims' almost certainly did not want to do that. OK? He's just venting. And that's-- and describing that venting is part of--is one of my jobs. I'm describing the battlefield scene, or at least the scene of this collapse at a very sort of emotional time in history for the United States. So that's easy.

The other one, yeah, the question of looting--look, there was looting going on. It was widely spread. It was not, you know, heavy. And I think the better word for it than looting might be filching. And I actually don't really--it didn't bother me at all. It didn't surprise me that people in the Fire Department were doing this, or the Police Department or the construction workers. I mean, everybody was-- every group--not everybody, but every group was to some degree involved in--I mean, there were individuals in those groups. Does that reflect on the groups as a whole? No, it does not. Does it reflect on the actual effectiveness or the meaning of the response, or does it characterize what went on in the private world of the World Trade Center? No, it does not.

It is, again, my job to call it like it is. And I don't participate in, you know, public relations blather about, you know, heroism and such things when there's no call for it. I mean, this is a straightforward piece of writing about a straightforward subject, and so this did occur. As I say in the piece itself, I don't think it was very important. And it didn't disturb me at all, because I never bought into the sort of the heroic thing and I think very few people at the World Trade Center site did. In fact, I doubt whether many Americans actually did either. I think a lot of that's just a facade; you know, you have to say this stuff.

----- [ ... ] -----



### 3. The Pointless Rivalry

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GROUND ZERO

# BRAVEST VS. FINEST



**QUIET BEFORE STORM** Exhausted firefighters and other rescue workers mass at Ground Zero.



**FURIOUS FIREMEN** New York's angry bravest cleaned 'Wing 11'.

## Rescuers honor

By MICHAEL SHAPIRO  
New York Times Staff Writer

In the long days since Sept. 11, John Lynch has spent hours watching firefighters as they painstakingly dig through piles of rubble looking for fallen brethren.

Each time firefighters catch a glimpse of a piece of bunker gear or a fire tool, activity at Ground Zero grinds to a halt.

The crews of heavy machinery haul the workers, from ironworkers to cops to firefighters, stops what they are doing and sit

late. Then the remains — a body, body parts or, in many cases, just bones — are wrapped in a flag and carried past workers who pause with their helmets over their brows.

It is a slow, careful process, one that virtually stops the debris removal.

But the reverence shown to the victims of the World Trade Center collapse is exactly what Lynch wants for his son Michael, 30, a firefighter lost in the terrorist attacks.

The only people who can give

Special to The New York Times

# GROUND ZERO

# IN MELEE AT WTC



## Firefighters punch out police in uproar over rescue cutbacks

By FRANK LOMBARDI and MICHELE MARFEE

Angry firefighters punched police officers and tried to storm Ground Zero yesterday in a protest against the city's decision to limit the number of rescue workers at the World Trade Center site.

A dozen firefighters were arrested after they overturned police barricades as the rally turned into a melee just a block from the still-smoking wreckage.

"The kind of conduct displayed today is unacceptable," Mayor Giuliani said. "You can't hit police officers. You can't display the law. No matter how bad you feel, no matter how much you feel like crying."

The shocking image of New York's bravest swinging flats at the Plant was the most jarring sign yet of the raw emotion among rescue workers run months after the terror attack. Firefighters are livid over the city's decision to cut to 25 the number of FDNY rescuers at the scene at any one time. They called the move a betrayal of the hundreds of bravos believed buried in the wreckage.

Only 91 bodies have been recovered of the 343 firefighters listed as missing.

### You Excuse a 'Misquote'

"You wouldn't excavate a cemetery, or a burial ground like this," said Fire Capt. Peter Gorman, head of the United Firefighters Association. "Are we a little sensitive?"

City officials called the move a safety precaution to prevent injuries at Ground Zero.

A grim-faced Fire Commissioner Thomas Von Essen called the demonstration a disgrace and apologized to the city for

the firefighters' behavior. Police Commissioner Bernard Kerik vowed, "You're not going to smash a cop and get away with it."

Five cops, including two high-ranking officials, suffered black eyes and other minor injuries after being hit and shoved to the ground by firefighters.

### Angry about barricade

The rally started when 300 off-duty firefighters, wearing bunker coats and FDNY T-shirts, gathered at 10 a.m. in front of Stuyvesant High School in Battery Park City. Rabbling over with anger, they marched down West St. toward Ground Zero but were stopped by dozens of uniformed police officers standing behind metal barricades.

Firefighters flipped over the barriers and started shouting their fury as the cops desperately tried to hold them back.

Firefighters said punches were thrown only after cops began pushing them back and spraying them with Mace.

As the altercation escalated—with firefighters trying to free their colleagues from handcuffs—cops shut down Ground Zero, packing chain-link fences that surrounded the site and releasing entry to other workers, including the Salvation Army and construction officials.

After the scuffle, still-hungry firefighters marched to City Hall, where they blocked traffic.

### Mayor defends decision

"This is an issue of the heart for all the bravos, and the mayor can't get away from that," said firefighter Matty James.

The mayor was not at City Hall as the rally raged outside because he was giving his weekly radio address. Afterward, he defended his decision to reduce the number of ununiformed personnel at the twin towers site.

"Leadership requires sometimes doing things that maybe people as an emotion can't understand," he said. "No body would like to see, I don't think,

anyone die and get seriously injured in this effort."

Giuliani said he saw one firefighter narrowly escape serious injury at the site when a colleague tackled him seconds before he would have been crushed by a crane.

Firefighters will continue to have a job, the mayor said. "But what they're not going to be allowed to do, and they were doing it in the past, is to take over the whole site."

Giuliani ordered city officials to limit the number of rescue workers trying to recover victims' bodies to 30 members each from the Port Authority police, NYPD and FDNY, and an additional 10 firefighters for fire-suppression. More firefighters will be called to the scene within minutes when needed to recover remains, the mayor said.

### Not giving up on brothers

Previously, 80 to 150 firefighters and dozens of NYPD cops were involved in the search daily. The change, put into effect Tuesday, followed Sunday's memorial service at the site, which the mayor saw as a symbolic end to the rescue effort, sources said. Firefighters and relatives of the missing called the change as a move to cut costs and speed the cleanup.

"It is how the city treats its bravos," asked Entine 205 firefighter Chris Murray. "We are not going to give up the search for our brothers that easily."

Charged with locating to riot, second-degree assault, criminal trespass, disorderly conduct and obstructing government administration were Fire Capt. Thomas Hughes, 46, retired Capt. Ed Sweeney, 52, Lt. Steve Carbone, 47, Peter White, 23, and retired Lt. Jack Ginty, 59.

Firefighters Frank Damico, 44, Mike Carter, 45, Mike DeLuca, 34, Mike Iorio, 40, Mike Tierney, 40, and Sgt. David In, 49, and Fire Marshal Martin McHale, 38.

Among the injured police were Chief of Department Joseph Kapatos and Chief of Patrol William Morange.

The Brothers Honor' as they marched to City Hall yesterday.

## Each grim find in rubble

demand how we feel about what is going on at Ground Zero is the people who lost someone," he said. "I still believe this should be a recovery effort done with dignity for the people down there. If it takes more time, it takes more time."

"Our greatest hope is to give our son a proper burial," said Lynch, who has visited Ground Zero several times. "We understand we may not get Michael back completely, but if we get one section of the body... To me, it is hallowed ground, and we need more time."

Under Mayor Giuliani's new rules, which went into effect Tuesday, control of Ground Zero was given to the city Department of Design and Construction. There will be 25 NYPD cops, 25 Port Authority police officers and 25 firefighters kept at a staging area, where they will be on standby until construction workers find a body.

At that point, they will be allowed to move in and perform the ceremony that has been repeated hundreds of times at Ground Zero.

work at the site to put out fires, FDNY officials said.

If a packet of bodies is found, the officials said, many more on-duty firefighters could be brought in.

"The mayor does not want to go to another family and tell them another firefighter was killed at the World Trade Center trying to get someone's bones," said one high-ranking FDNY official. "He does not want to go to another funeral."

PHOTO BY AP/WIDEWORLD

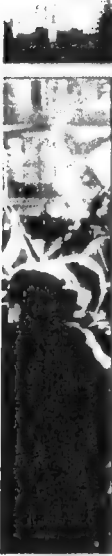


PHOTO COURTESY OF THE NEW YORK TIMES

SIDE

# Fire union defiant on tugfest

## Cops review videotapes

By PATRICE O'SHAUGHNESSY

A day after firefighters clashed with cops at the World Trade Center disaster site, fire union leaders

# yes

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remained defiant while detectives viewed video footage to identify protesting firefighters who allegedly punched ranking cops when emotions erupted at Ground Zero.

Uniformed Firefighters Association President Kevin Gallagher was arrested yesterday on a criminal trespassing charge stemming from the Friday morning melee, union spokesman Tom Butler said.

But charges were dropped yesterday against two of the 12 firefighters arrested during the altercation, which began with about 1,000 firefighters marching to the rubble to protest the city's decision to limit the number of recovery workers at the site.

Charges were downgraded for the other 10, who were nabbed in scuffles that broke out when police tried to stop the protesters a block from the ruins where the bodies of some 4,000 people — including more than 200 firefighters — remain missing.

Butler called Gallagher's arrest unjustified. "This is Stalinism, this is McCarthyism, this is fascism," he said. "It's complete harassment."

The clash came after eight weeks of grief and frustration by firefighters who lost 343 of their brothers, cops who lost 23 officers and the failure to recover most of their remains. Authorities believe they and the lost civilians were virtually disintegrated in the fire and collapse of the twin towers.

Cap Peter Gorman, head of the Uniformed Fire Officers Association, accused Mayor Giuliani of making "callous" and "insensitive" remarks after the protest. "I don't think it was appropriate for the mayor to get on and treat us like we were a bunch of thugs," Gorman said. Lt. Jack Ginty, a UFOA officer who was charged with trespass-

ing and misdemeanor harassment, said the cop who drove him to be booked at the 29th Precinct "was crying . . . he said it was a disgrace, we got set up."

But police remained angry the firefighters tried to muscle past them, and detectives subpoenaed footage of the scuffles from CNN to identify any who could be charged with assault. Fire Department spokesman Frank Gibbon said a felony charge would mean suspension.

### Searching for their own

Tensions have sprung up at Ground Zero between cops and firefighters because some cops feel that firefighters were only searching for their own.

The new city policy restricts the number of firefighters and police officers at the scene to 25 from each department. At times, the number has been as high as 150.

City officials cited the safety and health hazards of having large numbers of firefighters searching through rubble amid cranes and excavation equipment.

Retired Firefighter Leo Ielpi, who has been at Ground Zero since Sept. 11 searching for the remains of his firefighter son Jonathan, was at the rally.

He said firefighters working there "want to find everyone. Of course their brothers are important, but we want to try to find everybody . . . there are 4,000 people there, everybody deserves that dignity, that's what the whole thing comes down to. You can't just have construction equipment moving remains around."

Five police officers were injured during Friday's protest, which clearly angered Police Commissioner Bernard Kerik. Fire Commissioner Thomas Van Eosen apologized to the injured officers on behalf of the Fire Department.

DAILY NEWS • Sunday, November 4, 2001

## THE FIREFIGHTERS

# Second Union Leader Is Charged With Trespassing in Demonstration at Ground Zero

By ROBERT D. McFADDEN

The president of the union representing New York City's fire officers was charged with criminal trespass yesterday, a day after the leader of the city firefighters' union was arrested on the same charge. The police said both allegations stemmed from their roles in a firefighters' protest rally at the World Trade Center disaster site on Friday.

While the police did not detail the circumstances that led to the arrests, the two labor officials insisted that they had broken no laws in leading the rally. They denounced their arrests as politically motivated tactics dictated by Mayor Rudolph W. Giuliani in an increasingly bitter dispute over scaling back the number of recovery workers at ground zero.

"This comes right from the top," Capt. Peter L. Gorman, head of the 2,500-member Uniformed Fire Officers Association, said after surrendering — under the threat of forcible arrest, his lawyer said — at a police station in Manhattan to be booked on the misdemeanor charge.

Kevin E. Gallagher, president of the 3,000-member Uniformed Firefighters Association, also blamed the mayor after his arrest Saturday night. "The message the city is sending is that if you don't agree with what a union says, you simply arrest its president," Tom Butler, Mr. Gallagher's spokesman, said.

The leaders of two allied unions, representing emergency medical service workers and fire alarm dispatchers, also criticized the administration for its handling of the controversy and voiced support for the firefighters. About 50 union members met Mr. Gorman outside Criminal Court yesterday after he, like Mr. Gallagher, was released without bail.

The arrest of two municipal union leaders was extraordinary. Union leaders have been arrested before — notably Michael J. Quill, head of the transport workers, for calling an illegal transit strike in 1986. But criminal or civil actions against city union officials have nearly always arisen in the context of corruption or major labor confrontations.

The weekend arrests, however, came in a dispute over the size of the work force at ground zero, and after Friday's emotional protest by fire-



Capt. Peter L. Gorman, head of the Uniformed Fire Officers Association, spoke outside a courthouse after he and Kevin E. Gallagher, left, president of the Uniformed Firefighters Association, were released yesterday.

fighters who contend that the cutbacks would turn the recovery of comrades' remains into a "scrap and dump" operation.

Mayor Giuliani ordered the cutback last week, noting that heavy equipment at the site posed dangers to workers. With little hope of finding more than body parts, he said, it was no longer reasonable to impel so many searches.

But many firefighters regard the site where hundreds of comrades are buried to be sacred ground, and insist that many bodies remain to be found. Union officials said that two were found last week at a Staten Island dump where the rubble is deposited.

During Friday's demonstration, 12 firefighters were arrested on felony and misdemeanor charges, and five police officers were slightly injured in a brief scuffle. The charges were dropped or reduced on Saturday, and while anger imperiled in firehouses, members seemed in cool as union leaders voiced regret over the scuffling.

But tensions flared anew with the arrests of Mr. Gallagher and Captain Gorman, and union leaders respond-

ed with harsh words about the mayor. Police Commissioner Bernard B. Kerik and Fire Commissioner Thomas Von Eszen.

"The mayor fails to realize that New York City is not a dictatorship, where if you don't like what a union is doing you can just go and lock up a union's president," the firefighters' union said. "The message being sent from City Hall is that if you don't agree with this administration, we will get you."

Captain Gorman, a firefighter for 38 years, called his arrest an outrage. "They're putting me through the system like I'm a thug," he said. He called the mayor a "fascist" and referred to Mr. Kerik and Mr. Von Eszen as "Giuliani's goons."

Steven Rabinowitz, a lawyer for the fire officers association, said that Mr. Gorman had been ordered in report to a station house in Lower Manhattan or face arrest by detectives who would "hunt him down like a fugitive." He said there was no basis for the criminal trespass charge.

Mayor Giuliani was in Phoenix for the World Series, and City Hall aides who were asked to comment on fire

officials' statements did not immediately respond. But Mr. Kerik and Mr. Von Eszen spoke at a news conference last night.

## Labor officials accuse the mayor of playing politics.

Commissioner Kerik said he was disturbed by the "goon" and "thug" labels and was "concerned that emotions and stress" were behind such statements. He insisted that the arrests were justified. While union officials had promised a peaceful protest, he said, some firefighters had rushed police barricades. "Ground zero is a frozen area," he said. "It's not a protesting ground."

Mr. Von Eszen said it made no sense to rank more firefighters' lives at the site, and added: "There's been no change in the commitment. There's been no change in our efforts. There's been a strategic change in how we're going about it."





## 4. The Expansion of Police Powers



AUG. 23, 2013

## The NYPD Division of Un-American Activities

By Matt Apuzzo and Adam Goldman

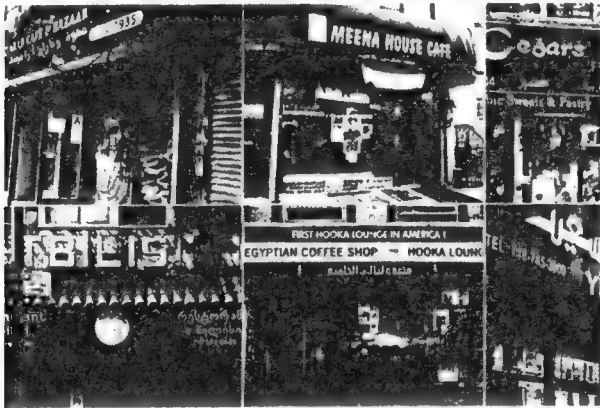


Photo: Sarah Scheib

On the morning of September 11, the detectives of the New York Police Department's Intelligence Division traveled in force toward the burning towers of the World Trade Center, the biggest crime scene in American history, to find absolutely nothing for themselves to do. The city had been quickly cordoned off. Some made it as far as Chambers Street. Others were stopped at Canal Street. "Stand by," they were told. They milled about for hours, waiting for orders that never came. Finally, a contingent of officers was dispatched toward ground zero with garbage cans to collect guns and equipment left by fallen first responders.

Later in the day, a group of them gathered at the Police Academy, where Deputy Chief John Cutter told them to start contacting their informants. At that moment, it may have been the only possible command—which didn't mean it was a useful one. Despite the name, the Intelligence Division was mostly concentrated on gangs and drug dealers, as well as providing a glorified chauffeur service for visiting dignitaries. International terrorism had never been part of their purview.

But they had to start somewhere, and the detectives did what they were told, reaching out to their network of informants—dope dealers and gang members—to ask what they knew about the worst terrorist attack in U.S. history.

For the next few months, the Intel cops worked alongside the FBI out of makeshift command centers aboard the decommissioned USS *Intrepid* and in an FBI parking garage, where detectives sat on the concrete floor, responding to a flood of tips pouring in from a public consumed with the possibility of another attack, questioning Muslims whose neighbors suddenly deemed them suspicious.

When Ray Kelly was sworn in as police commissioner in January 2002, one of his first goals was to eliminate that kind of aimless fumbling. The first man to rise from cadet to police commissioner and the first person to hold the top job twice, Kelly was police commissioner under Mayor David Dinkins, when terrorists detonated a truck bomb in the garage below the World Trade Center's North Tower in 1993.

Though Kelly's detectives were instrumental in solving that bombing, they'd never had a chance to prevent it. And that attack had done nothing to change the attitude of the federal government—specifically the FBI—which rarely gave local police information it could use ahead of time.

After 9/11, the debris field smoldering a block away from Kelly's Battery Park apartment crystallized the notion that as long as the federal government controlled all the information, the NYPD was merely waiting to respond to the next attack, helpless to prevent it.

So Kelly called for a new approach, the likes of which America had never seen. Over the ensuing decade, the FBI, CIA, and NSA would build surveillance programs that monitored bank transactions, phone records, and the e-mail routing fields known as metadata, which have recently erupted in the scandal surrounding Edward Snowden's revelations. But the NYPD went even further than the federal government. The activities Kelly set in motion after 9/11 pushed deeply into the private lives of New Yorkers, surveilling Muslims in their mosques, their sporting fields, their businesses, their social clubs, even their homes in a way not seen in America since the FBI and CIA monitored antiwar activists during the Nixon administration. It was a proactive approach, but, in constitutional terms, a novel one.

To reinvent the Intelligence Division, Kelly called on David Cohen, a former senior CIA officer who was a year into a post-retirement stint with the Wall Street insurance giant American International Group. Kelly offered a rare opportunity not just to return to intelligence work but also to build something from scratch—in effect, the city's own CIA.

Cohen joined the CIA in 1966 as a 26-year-old economist, a slender young man with a firm jaw and conservative pompadour haircut in the style of a

young Ronald Reagan. He left in 2000, having served as the deputy director of operations—America’s top spy. And during those nearly 35 years, the bookish, bespectacled Cohen had been one of the most creative agents at the CIA, with a gift for reshaping bureaucracies toward new ends.

Back in the eighties, he started an analytical team to investigate terrorism, the first of its kind at the agency. Then, in 1996, years before Osama bin Laden entered the public consciousness, Cohen assigned a dozen officers to gather intelligence on him.

Still, many in the CIA regarded Cohen’s tenure at the helm of the spy service as a dark period. From 1995 to 1997, under pressure from a budget-conscious Congress and an uninterested White House, Cohen gutted the CIA’s spy corps and cut loose many of its paid informants. In an unusual move, the *New York Times* in an editorial called for Cohen’s ouster.

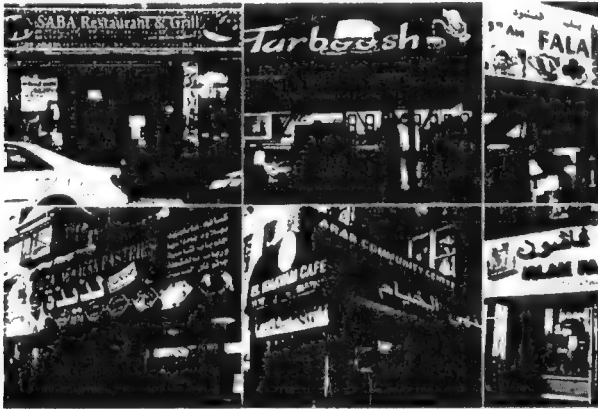


Photo: Sarah Silberg

It didn’t help that Cohen had an abrasive personality and a highly acerbic leadership style. He liked to swear, and, in the words of one longtime colleague, “If he thought you were an idiot, he’d say so.”

But while Cohen could be intimidating and aggressive, he was also prescient. He had been one of the first people in the agency, well before the Berlin Wall came down in 1989, to talk seriously about globalization. Cohen envisioned a world where economies became intertwined, where multinational corporations blurred the political boundaries between nations, and where terrorists and criminals operated across borders.

When he retired in 2000, he left believing that the people overseeing the agency hamstrung it. The White House micromanaged operations, slowing down everything. Lawyers fretted over every policy, signaling the government’s disapproval for covert actions. And Congress used its

oversight authority to score political points. The CIA was stuck in the middle, which Cohen felt was an impossible position.

What Kelly offered was a chance to start something new, without bureaucratic hand-wringing or political meddling. Cohen eagerly accepted. Cohen didn't come alone. To build his new program, Cohen wanted someone by his side with access to the most sensitive intelligence, someone who could play a role in day-to-day operations. With a phone call to Langley, Cohen persuaded CIA director George Tenet to lend him Larry Sanchez. Like Cohen, Sanchez was an analyst who'd come up through the ranks. Unlike Cohen, Sanchez still had a blue CIA badge and the privileges that came with it.

Putting a CIA officer inside a police department was unprecedented. The CIA, by its very charter, was prohibited from having any "police, subpoena, or law enforcement powers or internal security functions." But 9/11 had changed the equation. Security had become the overriding priority.

To the extent Sanchez had an official title, it was the CIA director's counterterrorism liaison to the state of New York. In reality, he was Cohen's personal CIA representative, with an office at the CIA station in Manhattan and another at NYPD. The agency was footing Sanchez's salary, but it was not clear to whom he answered, or what his duties were. He'd start many mornings at his CIA office, reading the latest intelligence reports. Then he'd head downtown to give Cohen a personal briefing that was far more expansive than the updates the NYPD was getting officially from the FBI or CIA. While Cohen could be gruff and combative, Sanchez was easy to talk to and easy to like. A former amateur power lifter and boxer, he told great stories about scuba and skydiving—parachuting into Iraq with Army commandos from Delta Force.

Cohen and Sanchez's appointments represented a major shift in mind-set at the NYPD. Police are trained to uphold the law. By comparison, CIA officers are trained to subvert laws and operate undetected in places where the Constitution doesn't apply. They are forbidden from doing this in America.

Sanchez and Cohen met at Cohen's apartment building on the Upper West Side, near Central Park, and hashed out their vision for a new NYPD. The city's pockets of cloistered Middle Eastern and South Asian neighborhoods were what most worried the two CIA veterans. The 9/11 attacks had been planned in communities walled off from the police by language, religion, and culture. New York was dotted with neighborhoods where someone could rent a cheap room and remain inconspicuous.

Cohen and Sanchez reviewed the dossiers on the 9/11 hijackers and focused in on the life of Mohamed Atta, the ringleader of the hijacking operation. On three continents, people had seen signs of Atta's growing conservatism, radical ideology, and anti-American vitriol: housemates and roommates, shopkeepers and pub patrons, fellow students and mosquegoers. And two of the 9/11 hijackers had even come to New York and gone completely unnoticed. They traveled the country, conducting surveillance, assembling their team, and training to fly jets. They rented cheap rooms, visited Internet cafés, and joined gyms.

Cohen and Sanchez's guiding idea was that if the NYPD had its own eyes and ears in the ethnic communities of the five boroughs, maybe things could be different. They needed to be in bookshops to spot the terrorist with his newly grown beard, or in restaurants to overhear friends ranting about America. If detectives infiltrated Muslim student groups, maybe they could identify young men seething with embryonic fanaticism. After all, Atta and his cohorts had been in plain sight, had anyone thought to look.

There was nothing like what Sanchez and Cohen were proposing anywhere in American law enforcement. And of course, the behaviors to be monitored were common not only to the 9/11 hijackers but also to a huge population of innocent people. Most café customers, gym members, college kids, and pub customers were not terrorists. Most devout Muslims weren't either. To catch the few, the NYPD would spy on the many.



Photo. Sarah Suberg

Sanchez told colleagues that he had borrowed the idea from Israeli methods of controlling the military-occupied West Bank, the swath of land captured from Jordan in the 1967 Six-Day War. But the proposal ignored some important differences between the U.S. and Israel. Brooklyn and Queens, for instance, were not occupied territories or disputed land. There

was no security wall being erected in New York City. And, where Muslims are concerned, no one would choose Israel as a model of civil liberties.

Nevertheless, Cohen liked the idea. He compared it to raking an extinguished fire pit. Most coals would be harmless and gray. Rake them carefully, and you might find an ember—a hot spot waiting to catch. This was the genesis of a secret police squad, which came to be called the Demographics Unit. Documents related to this new unit were stamped NYPD SECRET. Even the City Council, Congress, and the White House—the people paying the bills—weren't told about it.

The NYPD had last been involved in such surveillance activities during the sixties, when there was an NYPD “extremist desk” to watch antiwar groups and a “black desk” to investigate African-Americans. Police maintained hundreds of thousands of case files and more than a million index cards containing names of citizens whose activities were deemed suspicious.

In 1971, civil-rights lawyers sued the NYPD. The plaintiffs represented a grab bag of the New Left, including Black Panthers, gay-rights advocates, and well-known figures like Abbie Hoffman. One young man, Stephen Rohde, sued because when he applied for admission to the New York bar, he was asked whether he'd ever opposed the Vietnam War. It turned out he had once signed a petition in a basement at Columbia University, and his name ended up in a police file.

After contesting the suit for more than a decade, the city settled in 1985 and agreed to new rules known as the Handschu guidelines, named for Barbara Handschu, a lawyer and activist who'd been the first plaintiff. The guidelines stated that police could investigate constitutionally protected activities only when they had specific information that a crime was being committed or was imminent. Undercover officers could be used only when they were essential to a case, not as a way to keep tabs on groups that might be up to no good. Police were prohibited from building dossiers on people or keeping their names in files without specific evidence of crimes.

But the activities that Sanchez and Cohen were proposing would not have been permitted under the Handschu guidelines. So, on September 12, 2002, Cohen filed a 23-page document in federal court asking a judge to throw out the guidelines and give his officers more leeway.

Cohen insisted that the world had changed since Al Qaeda attacked America, and the NYPD needed to change with it. “These changes were not envisioned when the Handschu guidelines were agreed upon,” he wrote, “and their continuation dangerously limits the ability of the NYPD to protect the people it is sworn to serve.”



Cohen painted a frightening picture of a nation—and a city—under siege from enemies within. “They escape detection by blending into American society. They may own homes, live in communities with families, belong to religious or social organizations, and attend educational institutions,” he wrote. “They typically display enormous patience, often waiting years until the components of their plans are perfectly aligned.”

He argued that America’s freedoms of movement, privacy, and association gave terrorists an advantage, one that left U.S. citizens painfully exposed. “The freedom of our society,” Cohen wrote, “has also made it possible for terrorist organizations to maintain U.S.-based activities.”

Inside the NYPD, the document was regarded as a masterwork and the foundation for everything the department would build subsequently. It was part autobiography, part history, and part ideology. One senior NYPD official took to calling it Cohen’s *Mein Kampf*.

The judge presiding over the Handschu case, Charles Haight, gave Cohen’s words great weight. The original settlement, the judge ruled, “addressed different perils in a different time.” Haight did away with the requirement that the NYPD launch investigations only when it had specific evidence that a crime was being committed. And he eliminated the rule that police could use undercover officers in political investigations only when they were essential.

Most important for the secretly planned Demographics Unit, Haight ruled: “For the purpose of detecting or preventing terrorist activities, the NYPD is authorized to visit any place and attend any event that is open to the public on the same terms and conditions as members of the public generally.”

The only caveat: Police couldn’t document and keep any information from these visits unless it related to potential criminal or terrorist activity.



NYPD commissioner Ray Kelly in his morning intelligence briefing in the Executive Command Center with Deputy Commissioner for Counterterrorism Richard Daddario, center, and Deputy Commissioner of Intelligence David Cohen, left. Photo: Lucas Jackson/Fleisher

Haight said his ruling brought the NYPD's rules in line with the new guidelines Attorney General John Ashcroft had crafted for the FBI. Both sets of rules prohibited authorities from collecting and storing information concerning constitutionally protected activities such as religious and political speech unless related directly to criminal activity.

To accomplish their goals, however, Cohen and Sanchez needed to go far beyond what the FBI could do. They needed to take a broad view of what was related to terrorist activity. As Sanchez would explain to Congress years later: "Part of our mission is to protect New York City citizens from becoming terrorists. The federal government doesn't have that mission, so automatically, by definition, their threshold is higher," he said. "So they're going to have a heck of a lot harder time having to deal with behaviors that run the gamut on First and Fourth Amendment rights and to be able to even look and scrutinize them without having even reached a standard of criminality."

Far from raising concerns about a police department taking it upon itself to reconsider constitutional rights, Congress enthusiastically embraced Cohen's views.

The Demographics Unit began simply enough, with a copy of the 2000 U.S. Census. The information was public, and the police used the data the way any sociologist could. They mapped, looking for 28 "ancestries of interest." Nearly all were Muslim. There were Middle Eastern and South Asian countries such as Pakistan, Iran, Syria, and Egypt. Former Soviet states like Uzbekistan and Chechnya were included because of their large Muslim populations. The last "ancestry" on the list was "American Black Muslim."

At the NYPD, Cohen enjoyed an advantage he'd never had as a CIA analyst: a pool of recruits drawn from New York's own neighborhoods. The FBI and CIA struggled to recruit native Arabic speakers, in part because it was prohibitively difficult for applicants with strong overseas ties to get security clearances. The NYPD didn't have that problem. The police force had long been a stepping-stone to the middle class for immigrants. One in five Academy graduates was born overseas. So when Cohen went searching for officers who could blend in to Muslim neighborhoods, he didn't have to look far. He recruited young Middle Eastern officers who spoke Arabic, Bengali, Hindi, Punjabi, and Urdu. They would be the ones raking the coals, looking for hot spots, and they became known as "rakers."

Every day, the rakers set out from the Brooklyn Army Terminal, where the Demographics Unit was based, and visited businesses in teams of two. Their job was to look like any other young men stepping in off the street.

The routine was almost always the same, whether they were visiting a restaurant, deli, barbershop, or travel agency. The two rakers would enter and casually chat with the owner. The first order of business was to determine his ethnicity and that of the patrons. This would determine which file the business would go into. A report on Pakistani locations, for instance, or one on Moroccans. Next, they'd do what the NYPD called "gauging sentiment." Were the patrons observant Muslims? Did they wear traditionally ethnic clothes, like *shalwar kameez*? Were the women wearing *hijabs*?

If the Arabic news channel Al Jazeera was playing on the TV, the police would note it and observe how people were acting. Were they laughing, smiling, or cheering at reports of U.S. casualties in Iraq and Afghanistan? Did they talk Middle Eastern politics? If the business sold extremist literature or CDs, the officers would buy one or two. Was the owner selling fake I.D.'s or untaxed cigarettes? Police would note it. If customers could rent time on a computer, police might pay for a session and look at the computer's search history. Were people viewing jihadist videos or searching for bomb-making instructions? Who was speaking Urdu?

On their way out, the rakers would look at bulletin boards. Was a rally planned in the neighborhood? The rakers might attend. Was there a cricket league? The rakers might join. If someone advertised a room for rent, the cops would tear off a tab with the address or phone number. It could be a cheap apartment used by a terrorist.

Sanchez carved the city into zones and assigned rakers to visit Muslim businesses in each. They often picked their own targets, with a supervisor sitting in a parked car nearby in case of trouble. Sometimes they were sent to neighborhoods based on world events. If people in a Pakistani barbershop in Queens were enraged over a drone attack that killed civilians, perhaps retaliation was imminent.

About once a week, they filed reports on conversations they'd eavesdropped on. Nobody trained the rakers on what exactly qualified as suspicious, so they reported anything they heard. One Muslim man made it into files even though he praised President Bush's State of the Union address and said people who criticized the U.S. government didn't realize how good they had it. Two men of Pakistani ancestry were included for saying the nation's policies had become increasingly anti-Muslim since 9/11. Muslims who criticized the CIA's use of drones to launch missiles in Pakistan were documented.

The rakers were in mosques too, listening in on imams and congregants.

"A mosque is different than a church or a temple," said a former senior NYPD official involved in the effort. "It plays a bigger role in society and its day-to-day activities. They pray five times a day. They're there all the time. If something bad is going to happen, they're going to hear about it in the mosques. It's not as sinister as it sounds. We're just going into the mosques. We just want to know what they're saying."

Sanchez, still on the CIA's payroll, was the architect of the Demographics Unit, reading the reports and coaching police on how to improve their tactics. Their daily dispatches were compiled into bound color folders that lined the bookshelves in Cohen's office. Mosques and religious schools were catalogued and hot spots mapped for every precinct.

Surveillance turned out to be habit-forming. Cohen and Sanchez's efforts also reached beyond the Muslim community. Undercover officers traveled the country, keeping tabs on liberal protest groups like Time's Up and the Friends of Brad Will. Police infiltrated demonstrations and collected information about antiwar groups and those that marched against police brutality. Detectives monitored activist websites and copied the contents into police files, including one memo in 2008 for Kelly that reported the contents of a website about a group of women organizing a boycott to protest the police shooting of Sean Bell, an unarmed black man killed the morning before his wedding: "This boycott was set for May 11, 2008 (Mother's Day) there will be NO shopping for cards, flowers, clothing, shoes or dining out. Spend time with Mom at home, serve her dinner, or buy her flowers from a black-owned business. We can be effective if we unite in the name of our children."

Police collected the phone numbers and e-mail addresses from the website. One was for Agnes Johnson, a longtime activist based in the Bronx. "We were women and mothers who said, 'We're going to hold our money in our pocketbooks,'" Johnson recalled years later. "That's all we called for."

Confirmation that the activities of the Demographics Unit went far beyond what federal agencies were permitted to do was provided by the FBI itself. Once, Sanchez tried to peddle the Demographics reports to the FBI. But when Bureau lawyers in New York learned about the reports, they refused. The Demographics detectives, the FBI concluded, were effectively acting as undercover officers, targeting businesses without cause and collecting information related to politics and religion. Accepting the NYPD's reports would violate FBI rules.

Cohen told his officers the FBI had its rules and the NYPD had its own. He was no longer constrained by the politicians. The NYPD was governed by the City Council, which had effectively given Kelly carte blanche to run the

department as he saw fit.

In the fall of 2005, a senior CIA officer named Margaret Henoeh attended a briefing with Sanchez and other NYPD officials. The meeting was a wide-ranging discussion of the NYPD's new capabilities, including its Demographics Unit.

Henoeh had a reputation as a skeptic. During the run-up to the Iraq War, when CIA analysts concluded that Saddam Hussein possessed weapons of mass destruction, they put a lot of stock in statements by an Iraqi defector code-named Curveball. Henoeh was one of the agency's most vocal critics of Curveball's reliability. She said the agency had fallen in love with its own analysis and hadn't conducted a dispassionate review. By the time Henoeh was proved right, the U.S. was stuck in the quagmire of Iraq.

Sitting with the NYPD, she felt a similar unease. She didn't see how the Demographics reports could be used to draw conclusions. "I think this is a really impressive collection of what's where, but I don't understand how it helps you," Henoeh told the NYPD brass. If it was useful, she figured, maybe the CIA could replicate it. But she didn't understand how collecting troves of information on local businesses and religious affiliations helped find terrorists.

She asked if there was some success story that summed up the program's usefulness in its first two years. When she didn't get an answer, she assumed that the NYPD was being coy with a potential rival. Even in the post-9/11 era, intelligence agencies often jealously guarded their secrets.

"I figured they were just lying to me," Henoeh recalled. It did not occur to her that there might not be any stories to tell.

To Henoeh, the project seemed like a huge waste of time, and she was stunned that it was legal. But she figured that the NYPD wouldn't be doing it if it weren't.

There were those in the NYPD itself who'd begun to doubt the program's efficacy. Hector Berdecia was one of those. A sturdily built NYPD lieutenant with a shaved head and broad, boyish smile, Berdecia inherited supervision of the Demographics Unit in 2006 after a yearlong tour in Iraq with the Army.

He'd been in Iraq's Babylon Province near the lawless area south of Baghdad dubbed the "Triangle of Death." Berdecia had lived in and around New York all his life, but it was only after his tour that he noticed the many Arabic storefronts dotting New York. In Iraq, he had made Muslim friends and started a Cub Scout troop, using his son's old troop banner. But 9/11

made him suspicious of his neighbors.

"They were here on 9/11," Berdecia said. "It was just a matter of time before we got hit again."

Berdecia got his introduction to the Demographics Unit from one of his sergeants, Timothy Mehta. A burly man of Indian ancestry, Mehta ran through PowerPoint slides and reports explaining how it gathered information. Berdecia, who went on to lead a team of rakers, was impressed. As he thumbed through the Demographics reports, looking at shopkeepers identified by name and ethnicity, at restaurants catalogued by the nationality of their clientele, he felt that the city was being made safer by this roster.

Some of the rakers in his unit felt conflicted. They were cops, eager to protect the city. But they also knew they were building files on fellow Muslims—immigrant business owners and members of their communities who'd done nothing wrong.

Berdecia reassured them there was nothing insidious about what they were doing. They weren't collecting anything that couldn't be observed by any other member of the public.

"At the very least, we can eliminate this guy from our list if he's not a terrorist," Berdecia told his men. "And we can find out who the terrorists are. And that's your job."

The truth, though, was that raking didn't eliminate anybody from a list. It just expanded the NYPD's files. One Brooklyn business that the NYPD labeled a Bangladeshi hot spot, for instance, was a restaurant named Jhinuk. The list of "alleged activities" included being a "popular location for political activities" and attracting a "devout crowd."

The Nile Valley Grocery in Brooklyn was noted simply as a "medium-size grocery owned by a person of Syrian descent." Milestone Park, in Brooklyn's Bensonhurst neighborhood, was labeled a "location of concern" because it attracted middle-age Albanian men from the neighborhood: "This location is mostly frequented during the early afternoon hours when Albanians get together for a game of chess, backgammon, or just to have a conversation," the rakers noted.

For one project, the rakers investigated locations where Arabs and South Asians gathered to play or watch sports. Each location was photographed, the ethnicity of the customers documented. The report on the Naimat Kada restaurant in the Flatiron district noted that people might pray downstairs.

Each location was mapped.

"Arabs in this area frequent this park, especially on Sundays, to play pickup soccer games," the rakers wrote about Astoria Park.

"Various Arabs frequent this location from nearby Yonkers as well as Manhattan College," they wrote about Fieldston Billiards in the Bronx.

Berdecia told his detectives they were preventing terrorism.

"I believed it," he said years later. "I drank the Kool-Aid."

But as the years went on, Berdecia's enthusiasm for the program gave way to frustration. As a young detective in the Bronx, Berdecia had worked the streets, building informants and dismantling violent drug gangs. Yet his rakers spent their days sipping tea in cafés.

The Demographics Unit had thousands of dollars to spend on meals and expenses so police would look like ordinary customers—costs known as "cover concealment." Berdecia felt that his officers could eavesdrop just as well over a \$2 cup of coffee as over a \$30 meal, and he started asking questions about businesses that kept popping up on expense reports.

One frequent destination was the Kabul Kabob House in Flushing, Queens, which was owned by a soft-spoken blonde Persian woman named Shorah Dorudi, who fled Iran after the revolution in 1979. When Berdecia asked officers whether they suspected a threat that should be reported up the chain of command, he was told they were conducting routine follow-up visits. But a look at the reports showed nothing worth following up.

That's when Berdecia realized that, in the hunt for terrorists, his detectives gravitated toward the best food.

Occasionally, Berdecia would see receipts for up to \$40 at Middle Eastern sweet shops. Sometimes, the receipts showed detectives buying a bunch of pastries just before quitting time.

Because the rakers never received specialized training, their reports contained numerous errors. Sephardic Jews and Lebanese Christians were mistaken for Syrian Muslims.

The reports began looking the same to Berdecia. No matter how detailed, they never matured into criminal cases. If terrorist cells operated in New York, Berdecia wondered, why weren't the police making arrests? That's how they'd dismantled drug gangs in the Bronx. Gang members, like terrorists, were secretive, insular, and dangerous. Years earlier, when his son was born, his wife returned from the hospital with a five-person

security detail because of threats from gangs Berdecia was investigating.

It nagged Berdecia to see his talented detectives sitting around eating kebabs and buying pastries, hoping to stumble onto something. If it was worth writing up a report, it was worth conducting an investigation. "It irritated me to send a lot of second-grade detectives and first-grade detectives to sit in coffee shops with nothing going on. If we hear something, then let's do more proactive police work. Let's run plates. Let's follow guys." But as the years passed under Berdecia's supervision, the Demographics Unit never built a single case. "It was a bunch of bullshit," Berdecia said.

In September 2009, the National Security Agency intercepted an e-mail from a taxi driver named Najibullah Zazi to an e-mail address linked to one of Al Qaeda's most senior leaders. The message contained the line "the marriage is ready."

Marriage and wedding were among Al Qaeda's favorite code words for attacks, referring to the day that a suicide bomber met his brides, the maidens of the hereafter.

Trying to ascertain the scope of the plot, the NYPD searched the files of the Demographics Unit. Even though the rakers had canvassed Zazi's neighborhood daily, and had even visited the travel agent where he bought his tickets between New York and Colorado, there was not a single piece of useful information. "There was nothing," said Berdecia.

On August 9, President Obama, addressing the trove of new information about the NSA's activities revealed by Edward Snowden, spoke about the need to strike the right balance between privacy and security. "Now, keep in mind that as a senator I expressed a healthy skepticism about these programs," Obama said. "And as president, I've taken steps to make sure that they have strong oversight by all three branches of government and clear safeguards to prevent abuse and protect the rights of the American people. But, given the history of abuse by governments, it's right to ask questions about surveillance, particularly as technology is reshaping every aspect of our lives."

Whatever the shortcomings of the Foreign Intelligence Surveillance Act oversight system, at least there is, theoretically, a check on the agency's activities. But in New York City, for Muslim citizens and activists of many stripes, there is no such outside system meant to safeguard their privacy. The NYPD conducts its oversight in-house. City Hall doesn't review intelligence programs the way Congress does. Courts can step in to settle questions about constitutionality, but only if somebody finds out about



programs that are designed to remain secret forever.

In 2010, the Demographics Unit was renamed the Zone Assessment Unit over fears about how the title would be perceived if it leaked out. But rakers still troll Muslim neighborhoods, filing an average of four new reports every day, searching for hot spots. The Muslim community is marbled with fear, afraid to speak openly because an informant could be lurking near.

Kelly is unapologetic. Like the department's use of the tactic known as stop-and-frisk, raking is a tactic Kelly maintains is legal. He said the program is operating just as it always has. "Nothing" has changed, Kelly boasted to *The Wall Street Journal* earlier this year.

In many ways, Ray Kelly has been a remarkably successful commissioner—but when it mattered most, the Demographics Unit was a failure as a matter of police work. And now, the lawyers in the Handschu case have returned to court, arguing that Kelly and Cohen, in their effort to keep the city safe, have crossed constitutional lines. Regardless of the outcome, the NYPD's programs are likely to join waterboarding, secret prisons, and NSA wiretapping as emblems of post-9/11 America, when security justified many practices that would not have been tolerated before.

NEW YORK

MEMORANDUM FOR THE RECORD

ME R04019776

Event: Interview of NY Intelligence Research Specialist (IRS) [redacted]

Date: September 16, 2003

Special Access Issues: None

Prepared by: Caroline Barnes

9/11 Low Enforcement Privacy

Team number: 6

Location: FBI, New York Field Office

Participants Non-Commission: Assistant General Counsel Sean O'Neill

Participants - Commission: Mike Jacobson, Caroline Barnes

NYPD

The mission of the NYPD Intelligence Branch is to try to do what the JTTF is doing at the unclassified level. The Branch has a lot of resources and can move them quickly to counter the threat. He's not sure they are moving their resources wisely, however. There is a duplication of effort because of the existence of this Branch. There is a rivalry between the CT and Intelligence Branches, somewhat due to the management style of the NYPD.

Chief Pulaski (now in charge of CT and Intelligence Branches) believed that NYPD should be in charge of the CT mission, was very intense, and wanted to be updated 24 hours per day. He still calls into the Call Center every two hours 24/7. Pulaski got reigned in by the NYPD, but the FBI still took a beating after 9/11 about information sharing. The information the FBI shares w/Commissioner Ray Kelly is never enough and he says so publicly, probably to keep the FBI on its toes.

Usually a NYPD sergeant attends the ADIC briefing, not Inspector Waters, so it's a missed opportunity for senior NYPD executives to get involved.

The NYPD "beats everything to death."

The NYPD's goal is to get information to One Police Plaza "quickest, not best."

The NYPD Call Center runs the "strange" calls down (70%) and turns the CT calls (30%) over to the JTTF. This works well.

JTTF

The JTTF is an outstanding concept. The FBI could not do what it does without the NYPD. At the worker bee level the relationship is a very good one.

The FBI needs to re-establish itself as the lead of the JTTF because there is a power struggle going on right now w/the NYPD. Pre-9/11 the arrangement worked fine because there was only one NYPD Lieutenant (he was the only manager) and had been with the NYO a long time; he was not here to fight. Post-9/11, the number of NYPD executives on the JTTF increased. [redacted] thinks this is Commissioner Kelly's way of controlling things and keeping his ear to the ground. Now it's a race internally within the NYPD to see who can get the information to One Police Plaza first. Some cops do not have an understanding of the need for clearances - he thinks this is primarily a training issue. Now there are too many NYPD personnel on the JTTF and they have too much influence. Sheehan goes to FBIHQ with complaints and has tried to direct the FBI to do certain things.

## 5. The Scamming



## Weeks After a Death, Twists in Some 9/11 Details



On Jan. 20, a retired New York City police officer, Cesar A. Borja, 52, lay surrounded by his family at Mount Sinai Medical Center in Manhattan. He died three days later. Allan Tanenbaum/Reuters

By Sewell Chan and Al Baker

Feb. 13, 2007

For days, a New York City police officer, Cesar A. Borja, who died of lung disease last month, was held up as a symbol of the medical crisis affecting the thousands of emergency personnel and construction workers who labored on the smoking remains of the fallen World Trade Center after the 9/11 attack.

The Daily News published an article describing how Officer Borja had rushed to the trade center site after the twin towers fell, breathing in clouds of toxic dust that seared his lungs, and how he had chosen not to wear protective gear because the federal government had declared the air safe.

Senator Hillary Rodham Clinton wrote to President Bush seeking more federal money to care for the workers and citing Officer Borja's months of "16-hour shifts" at the disaster site. The priest at his funeral in Queens pointed out that Officer Borja had worked as a volunteer in the recovery and cleanup efforts.

It was a powerful story, one that brought the officer's eloquent son to the State of the Union address in Washington on Jan. 23, the day of his father's death. The son later met with President Bush, and afterward Mr. Bush, in discussing more aid for rescue workers,

said he was eager to see money directed to “first responders,” those first on the scene in the days and weeks after the attacks. “If they were on that pile and if they were first responders, they need to get help,” he said.

It turns out, though, that very few of the most dramatic aspects of Officer Borja’s powerful story appear to be fully accurate. Government records and detailed interviews with Officer Borja’s family indicate that he did not rush to the disaster site, and that he did not work a formal shift there until late December 2001, after substantial parts of the site had been cleared and the fire in the remaining pile had been declared out.

Officer Borja worked traffic and security posts on the streets around the site, according to his own memo book, and there is no record of his working 16 hours in a shift. He worked a total of 17 days, according to his records, and did not work as a volunteer there. He signed up for the traffic duty, his wife said, at least in part as a way to increase his overtime earnings as he prepared to retire.

“It’s not true,” Eva R. Borja, the officer’s wife, said of the Daily News account of his rushing there shortly after the collapse of the trade center. In two extensive interviews, Mrs. Borja displayed her husband’s memo book, where he kept detailed notes about his work across his career. The first entry for working at ground zero is Dec. 24, 2001. Almost all the rest come in February, March and April 2002, five or more months after the attacks.

Mrs. Borja said she still believed her husband was sickened in his work around the site. Shown his father’s memo book, Ceasar Borja, who had become something of a spokesman for ailing 9/11 workers, said it was the first time he understood what his father had actually done. “They kept saying my dad’s a first responder,” he said of the newspaper accounts. “I honestly never knew if he was a first responder.” Asked why he had not corrected the seemingly erroneous or unconfirmed public accounts, he said, “The reason I never tried to correct that impression is I never knew the truth of whether my father was there or not. It was always a mystery for me. I never thought of correcting them because I honestly believed it myself.”

It is hard to determine precisely how the apparent misinformation about Mr. Borja’s work at ground zero came to be reflected in newspapers, as well as in television and radio broadcasts. The family says it was not the source of the claims about working on the smoking pile. A spokeswoman for The Daily News insisted the paper had never explicitly said Officer Borja had rushed there soon after Sept. 11, only that at some point he had rushed there. Despite a number of articles and editorials that referred to him working

amid the rubble and within a cloud of glass and concrete, she said the paper never actually reported his arriving there before December.

The spokeswoman, Jennifer Mauer, continued to maintain that Officer Borja had worked “200 hours on the pile.”

Other newspaper accounts repeated the account of Officer Borja’s work on the rubble without attributing it to anyone.

Mrs. Borja and her son said that The New York Times was the first newspaper to ask them for documents showing Officer Borja’s actual duties at ground zero.



Officer Cesar A. Borja, who died of lung disease last month, became a symbol for ailing ground zero workers, but there is little evidence to confirm accounts of his story. PHOTO BY AP/WIDEWORLD

Doctors and coroners may yet draw a connection between Officer Borja’s death and his more limited duties around ground zero. A city autopsy is under way. Experts say his illness, diagnosed as pulmonary fibrosis, is a rare and little-understood disease, which, depending on a variety of factors — genetics, for instance — can conceivably be caused by modest exposure to certain toxic substances or pollutants.

Then again, doctors may find that Officer Borja, who spent much of his police career at a tow pound in Queens, had other, pre-existing problems. His family says that he smoked a pack of cigarettes a day for years before giving it up around the mid-1990s.

Officer Borja’s son said that it was possible his father had gone down to ground zero as a volunteer at some point soon after the disaster, but that his father had never mentioned it, and he had no evidence of it. He said several police officers had approached him at his father’s wake and told him they recalled seeing his father on

the pile, but he did not know their names.

The Police Department said informal rosters had been kept at ground zero in the first weeks after the attacks including the names of officers who showed up to work. But the department said it could not easily retrieve the records. The department had no other comment about Officer Borja, who did not officially die in the line of duty and retired with a regular service pension.

But when Officer Borja, who was seriously ill by 2005, filed paperwork with the city seeking an enhanced pension, he made no mention of any work before December 2001.

### **An Emotional Fight**

Officer Borja's death came amid an unfolding and emotional fight over the health of ground zero workers and the role of city, state and federal officials in caring for those who might have been sickened by their work in and around the site. A federal lawsuit has been filed on behalf of hundreds of workers, whose lawyers say they are sick and in some cases dying because of their exposure to dangerous pollutants. That suit charges that the city and federal government failed to protect them from exposure. (The Borjas said they had no plans to sue.)

The city's Law Department, which declined to comment for this article, has said drawing connections between 9/11 work and subsequent health problems has to be judged case by case. Congress set aside \$75 million in 2005 for monitoring and treating 9/11 workers, and the White House agreed to add another \$25 million last month. In a September study, Mount Sinai Medical Center found that roughly 70 percent of nearly 10,000 workers it tested from 2002 to 2004 reported that they had new or substantially worsened respiratory problems while or after working at ground zero.

It was into that charged environment that Officer Borja's case came to light. Officer Borja, who retired in June 2003, became very sick in 2005, and was admitted to Mount Sinai in December 2006. He was determined to be suffering from pulmonary fibrosis and in need of a lung transplant to save his life, officials have said.

The family, according to Mrs. Borja, reached out to the press. A Manhattan newspaper, *The Filipino Reporter*, published an article on Jan. 5 saying that Officer Borja had been assigned to security duty immediately after Sept. 11, and that he had done that work for months. It cited 16-hour shifts, and it quoted one family member as saying that Officer Borja had believed the air to be safe.

Officer Borja's son, according to his mother, e-mailed other newspapers, as well. *The Daily News* responded. Throughout



January, The News and other papers published numerous articles on Officer Borja's case. The News, which has mounted a campaign of stinging editorials on behalf of those believed to have been sickened at ground zero, eventually paid for Ceasar Borja, 21, to fly to Washington and back for the State of the Union address.

The son said he had been prepared to drive, but accepted the offer. "The Daily News comped me," Ceasar said. The Daily News spokeswoman said the paper was proud to have paid for the young man's trip.

The initial accounts are full of dramatic details: The Daily News of Jan. 16 said Officer Borja "volunteered to work months of 16-hour shifts in the rubble, breathing in clouds of toxic dust." That same article added: "Borja was working at an NYPD auto pound in Queens when the twin towers fell. He rushed to ground zero and started working long days there."



Eva R. Borja, the wife of Officer Borja, and their son Ceasar at home Monday. She said her husband did not rush to the towers on 9/11. Angel Franco/The New York Times

Some of those claims were repeated in other stories in The Daily News and other papers, in both news articles and editorials. Sometimes the articles said Officer Borja had worked 14-hour shifts. Some identified him as having worked on the pile, and one Daily News editorial said he had "labored in the pulverized concrete, glass and smoke that formed a cloud over the rubble."

The New York Times published one full article on Officer Borja, after he died at 52 on the evening of the State of the Union address. The article said he had become sick after working at ground zero. It said federal officials had agreed to pay for the officer's medical care as a reflection of their belief that his illness was connected to his work at ground zero.

Politicians quickly began to speak out about the case, and the larger question of 9/11 health issues. Representative Carolyn B. Maloney, Democrat of Manhattan, who has made 9/11 health a focus of her efforts for years, said of Officer Borja: "If his death does not convince the president to come up with a plan to deal with this medical crisis and fund medical monitoring and treatment, I don't know what else will."

#### 'A Hero' to Clinton

Senator Clinton sent a letter to President Bush. It cited "many months" of Officer Borja's 16-hour shifts at ground zero, and it stated: "Cesar Borja was a hero who served his country in her hour of need and sacrificed dearly for that service. Since the attacks of September 11, 2001, as Cesar's health deteriorated, he and his family endured a great deal of hardship but never lost sight of the needs of the other workers, volunteers, first responders, and victims who survived the attacks but did not survive unharmed."

The praise extended to Officer Borja's funeral on Jan. 27 at St. Josaphat's Church in Queens. The Rev. Thomas C. Machalski, who celebrated the funeral Mass, said he never discussed the details of the officer's work at ground zero with his family before speaking, and relied on press accounts when he referred to his having served as a volunteer. In fact, he said he thought the officer was, "already retired when he went back to work at ground zero."

The fifth of 12 children, Cesar Ante Borja was born on June 30, 1954, in Polangui, a city in the Bicol region of the Philippines. The son of a farmer, he came to the United States in 1976. He joined the Army, and Army records show he was an active-duty soldier for four years, and was eventually discharged from the Army Reserve in 1983 with the rank of specialist.

He married Eva in 1982, and he soon joined the Department of Correction. He became a police officer in 1987. He served first in the 109th Precinct in Queens before settling in to many years of work in the property clerk's office and at the tow pound. There he earned a reputation for diligent work and exemplary attendance. Mrs. Borja said he liked the short commute to the pound from their home in Bayside, Queens, and the idea that he could retire from the city after 20 years with a sizable pension.

"He was the type who wouldn't complain," she said of her husband. "Or maybe he didn't like it, and just didn't say. He would adjust to whatever situation."

On 9/11, Officer Borja reported for duty at the tow pound, records show. Over the next several months, there is nothing in his memo book recording any work, assigned or volunteer, at ground zero.

Mrs. Borja remembers him mentioning being briefly posted in Brooklyn, near ground zero, shortly after the attacks.

Interviews with several friends, relatives and officers who worked with him at the tow pound failed to turn up anyone who worked with him at ground zero before the end of 2001.

Mrs. Borja said that her husband began to see the appeal of overtime pay for working shifts near ground zero late in 2001. He was close to retiring, and realized he might be able to improve his pension with the overtime hours. She said he even called his nephew, a fellow officer, to encourage him to put in for the overtime shifts, as well. Mrs. Borja said the nephew declined.

And so Officer Borja reported on Dec. 24, 2001. The fires at the site, which had been burning for months, had been declared extinguished on Dec. 19. Considerable progress had been made in cleaning up the site.

Officer Borja's log book makes clear where he worked during what would be 12-hour, 6 p.m. to 6 a.m. shifts: On Jan. 21, 2002, he worked at Albany and Washington Streets, three blocks south of ground zero. He worked several shifts elsewhere in Manhattan during the World Economic Forum. Then, he was back at Fulton Street and Broadway on Feb. 4, 2002. Ten of his shifts came in March or April.

Three years later, Officer Borja became seriously ill. But in January 2006, when he filed a notice of participation — a document required to enhance his pension under a 2005 state law allowing city workers who labored at ground zero to be declared disabled — he was modest about his duty: he listed eight shifts around ground zero.

On Dec. 19, 2006, he entered Mount Sinai, and soon he was near death. Mount Sinai's records indicate he listed his first shifts around ground zero as starting in December 2001, although there is a reference to him working 72 days there. There is no additional information about that notation, but the Borja family does not contend he ever worked 72 days at or around the site.

Mrs. Borja, asked to explain how all the differing reports appeared in the press, suggested that things had simply spiraled out of control. "When I would read it, I would say, 'Why did they put that there?'" she said. She said she was too distracted caring for her husband and handling his funeral to correct the record.

### **An Emerging Role**

Cesar, though, played a very prominent role. He spoke with Mrs. Clinton at an event at ground zero. He went to the State of the

Union address. He later met with President Bush in Manhattan. Articles variously quote him talking about how his father died as a public servant and saying that heroes should be looked after.

"That was my first, inaugural speech as a political activist, which I never expected," he said yesterday. "I was just there expressing my emotions. I didn't know any facts. I was just speaking from the heart, and everything took off from there."

At one point during those hectic days, the son put on his father's pea coat. One newspaper account said the son had suggested it was the uniform his father wore on Sept. 11. Cesar, in an interview yesterday, denied having said that.

But he did address a gathering of family and friends in Queens after the State of the Union address.

"I made everyone in the U.S. know who Cesar Borja is, what he did for this country, and what he did for the city of New York," he was quoted as saying in *The New York Post*. "He is the symbol of the World Trade Center, and 9/11 and New York."

Aides to Mrs. Clinton issued a short statement when told of the apparent discrepancies. "She knows that sacrifices were made by so many, whether it was in the hours, days, weeks or months after the attacks of Sept. 11, and believes that they all deserve our help."

Tony Fratto, a White House spokesman, would not talk about the details of the Borja case. He said the president respected the officer and his son and all who worked at ground zero.

"Cesar Borja is someone who loved and cared for his father, and his father was a hero from what we know of New York law enforcement and his work at the World Trade Center," Mr. Fratto said. "It is almost beside the point what the specific details were."

Officials at Mount Sinai said in a statement: "The fact that Mr. Borja worked there for many days (and nights) provided ample opportunity for exposure to dusts."

Finally, Cesar Borja, after having absorbed the implications of his father's records, said he was no less proud. "I'm actually happy to know he wasn't on the pile," he said, adding that those who were must be in even graver shape. He concluded: "I don't believe my father to be any less heroic than I previously thought, any less valiant than the other papers previously misreported on."

Alain Delaquerière, Sandra Jamison and Carolyn Wilder contributed research.

# DAILY NEWS

NEW YORK'S HOME NEWS NEWSPAPER



Former Cop Glenn Lieberman is among those accused of taking 9/11-related benefits to collect disability benefits.

**CHANCE TO WIN TODAY!**  
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**\$500 CASH**

**UP FOR GRABS EACH WEEK!**

**PAGES 54-55**

# 9/11 SCAM SCUM



**THEY HAVE** essentially flipped the lid at the scam and swam who died serving on 9/11. More than 80 former NYPD, FDNY and city correction officers — including crude ex-cop Glenn Lieberman — have been part of a gang pretending to have psychiatric problems in order to collect \$21.5 million in Social Security disability benefits. And many claimed their ailments stemmed from 9/11. "The idea that many of them claim the events of 9/11 to claim on the basis for their disability... the brazenness is shocking," Manhattan District Attorney Cyrus Vance Jr. said.

**PAGES 4-5**

**Faked illness to steal millions**

# Magic words to unlock disability \$\$

By BOB FREDERICKS and PHIL MESSING

The scam was so simple — and lucrative — that the ringleaders barely changed their tactics over 30 years. They recruited severely retired city cops and firefighters who had already received disability pensions from their departments.

Through word of mouth, greedy retirees knew that if they wanted to net even more money with a Social Security disability payout, they just had to contact one of two retired cops: Joseph Esposito, 70, or John Minerva, 79, officials said.

Minerva, a "disability" consultant for the NYPD's detectives union, acted as a "consultant" for the group, a source told The Post.

He steered the retirees to Esposito, who acted as "money collector" and coached them on how to prove their "psychiatric infirmity" to the feds, the source and authorities said.

"You're gonna tell them, 'I don't sleep well at night. I'm up three, four times. Usually I nap on and off during the day.'" Esposito said defendant Farquhar Powell Jr. in January, according to a phone witness.

At some point, "they're liable to say, '... Spell the word "word,"' so you go, "W-O-R-D." Then, they're gonna say, "Spell it backwards." You think about it, and you can't spell it backwards."

Authorities said many of the defendants repeated these same phrases on their applications.

"I don't have an interest in anything," "my family it always after me about my grooming," and "I am unable to perform any type of work activity in or out of the house."

Ahead half of the 103 defendants falsely claimed that they suffered post-traumatic stress from 9/11.

Esposito would allegedly bring the retirees to Thomas Hale, 69, head of a company that helps people prepare Social Security applications, whom the source described as the "godfather" of the operation.

They then went to see lawyer Raymond Lovellino, 61, an ex-FBI agent and onetime prosecutor for the Nassau County DVA Office, who would shepherd their applications through, authorities said.

In exchange, "you got to give them 10 payments of what you get" from Social Security, Esposito was overheard telling defendant James Minerva in May.

"Let's say you get \$2,000 [a month]. You have to give them \$28,000."

<http://nypost.com/2010/01/06/magic-words-to-unlock-disability-2/>

# NY WORST

These men are among the fakes who allegedly faked psychological problems to rip off a taxpayer-funded disability program.

**CASE #1**  
**RICHARD COSENTINO**  
 46, NYPD  
 The former cop claimed to work as a **strawman**, but couldn't describe or leave his house. **But photos of him holding a magazine and a rifle** were taken off the coast of Costa Rica in another story.  
**NETTED \$207,839.70**  
 between May 2004 and June 2013



**CASE #2**  
**GLEN LIEBERMAN**  
 62, NYPD  
 The former Brooklyn anti-gang cop claimed to suffer from "depression and panic attacks" after working at Ground Zero on 9/11 — but he was never actually at the site, a former colleague told The Post.  
**NETTED \$173,758.40**  
 between June 2004 and August 2013



**CASE #3**  
**MICHAEL SCIALABRA**  
 62, NYPD  
 "Helicopter pilot" used to work as an undercover cop, fighting mob violence in Brooklyn. He now runs a lucrative **alcoholic-beverage business** for the mayor.  
**NETTED \$232,443.70**  
 between November 2004 and July 2013



**CASE #4**  
**JOSEPH MORROWE**  
 68, NYPD  
 The **body cop** claimed to have a fear of large crowds — but was caught on camera doing out counts while working at the World Trade Center's new festival site.  
**NETTED \$109,930**  
 between October 2004 and June 2013



# \$400M con by cop & fire

By REBECCA ROSENBERG, JANE SCHWAB and DANIEL FRENDELGAST

Eighty mostly NYPD and FDNY retirees, whose departments suffered devastating losses on 9/11, collected millions of dollars in disability-pension benefits by pretending they were at Ground Zero and suffered emotional trauma, authorities said Tuesday.

They were among 103 alleged scammeers arrested in a \$400 million Social Security rip-off — one of the largest in history — that also included city construction officials and a former Nassau County cop.

Many of them claimed they couldn't sleep, do simple arithmetic or even leave their own home — but investigators found they had been playing ball-

sports, riding for miles, teaching farm, deep-sea fishing and even roofing half-a-mast homes.

"That's about as laconic as I can be, being disabled and unable to perform physical or manual chores or you can get," said Manhattan DA Cyrus Vance Jr. Four ringleaders, including an 81-year-old ex-FBI agent and an 89-year-old pension adviser, instructed retirees how to pocket \$20,000 to \$80,000 a year in bogus checks. Their hitback fee was 14 monthly Social Security checks.

The group netted more than \$21 million since 1981, and authorities said that's just the tip of the iceberg.

Up to 1,000 people could be involved in the scam, and I can say that ultimately, the scammer said up to \$400 million.

Vance said, noting the investigation is far from over.

The Post first revealed in 2010 that two dozen retired cops were under investigation for claiming mental illness to receive Social Security disability payments while still holding gun permits.

Their disability applications "indicated that they were incapable of owning firearms," said NYPD Chief of Internal Affairs Charles Campisi.

"However, when we dug deeper and we checked the forms that they filed with the Police Department in order to get their permits, they indicated that they were of sound mind. So we had a discrepancy."

The NYPD and FDNY alleged con artists arrested Tuesday were already reviewed

with disability pensions from their departments — giving them three-quarters pay: five percent — instead of the standard 50 percent — when they applied for Social Security benefits.

At least half of them shamelessly exploited the 9/11 terror attacks by saying they were suffering from post-traumatic stress disorder, when some were never at Ground Zero.

They were caught to be by former cop Joseph Esposito, 70, who is not related to the department's recently retired chief of department by the same name, prosecutors said.

Esposito filed for his own Social Security disability in 1991, a year after retiring on disability from the NYPD at age 46 for two motor-vehicle accidents "in the line of duty," authorities said.


# RESPONDERS

**CASE #5**

**GLEN GALANOS**  
65, NYFD

The ex-cop spent this past spring training for a half-marathon in North Carolina. According to a crowd-funding Web site.

**NETWORTH: \$358,740.20**  
(between March 2004 and June 2012)




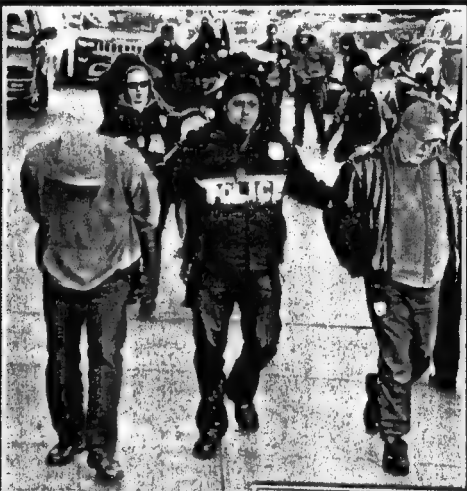
**CASE #6**

**LOUIS MURTAGH**  
65, NYFD

The military-trained former cop was charged teaching inmates at a capitalist arts school.

**NETWORTH: \$470,395.20**  
(between June 1200 and June 2012)





## retirees: DA

Many of the retirees said they were so partially incapacitated that they couldn't even use a computer, drive a car or fly in a plane.

But investigators found a treasure trove of damning evidence on Facebook, Twitter and YouTube — along with car-rental, shopping and airline receipts.

One of the worst alleged offenders was ex-cop Louis Murtagh, who was caught teaching karate. He netted \$470,000 and had been causing the system the longest, since 1989, authorities said.

Another defendant, ex-cop Joseph Minerva, was even caught appearing in a TV news story boastfully selling cannoli at the Feast of San Gennaro in Little Italy.

The retirees included 72 ex-NYPD cops, eight former FDNY firemen, five ex-corrections officers and one former Nassau

County police officer.

Former cop and a current defendant union official John Minerva, 94, helped Exposito recruit retirees, officials said.

Thomas Hale, the head of a company that helps people prepare their Social Security applications, and Raymond Lavelle, a former FBI agent and ex-Nassau County prosecutor, then allegedly saw the retirees through the process.

Hale and Lavelle were each fined Tuesday on \$1 million bail. Exposito also walked on \$500,000 bail, and Minerva was fined on \$250,000.

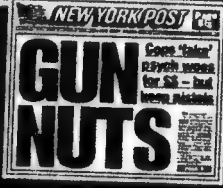
All of the men proclaimed their innocence through their lawyers.

"My client's role in this is minimal at best," said Minerva's lawyer, Glenn Hardy.

Hale's lawyer, Joseph Conway, described his client as a "deca-



**SHAME:** Former cops and firemen accused of faking psychological distress — including some imposed by The Post — to collect disability are hauled into court, where alleged accomplice Raymond Lavelle (left) also faced charges Tuesday.



rated World War II veteran," while Exposito's attorney, Brian Griffin, said his client "stood in court today and said two very important words: He said the words 'not guilty.'"

Ray Perini, who is defending Lavelle, said, "I am confident that at the end of the day, you're

going to find out that he did the job any lawyer should do. Clients come to him, he sees doctors' reports, and he advocates."

But Police Commissioner Bill Bratton said, "As a New Yorker and as a US citizen, I can only express disgust at the actions of the individuals involved in this

scheme, particularly the 73 former members of the New York City Police Department who have certainly disgraced the masses, embarrassed their families with their abuse of this system."

Additional reporting by Bob Frederick, Elizabeth Magan and Kate Shuehy

New York Post, Photo: Alan Tanenbaum, January 8, 2014

# Clans in on cop, fire disability 'scheme'



By NATALIE O'NEIL, REBECCA POSENBERG and BRUCE GOLDING

Scheming siblings and a married couple were allegedly in on the sickening Social Security scam in which retired cops and firefighters faked Sept. 11 trauma to score disability benefits. The Post has learned.

Brothers Vincent and Darrin LaMantia, siblings Karen, Kevin and Thomas Galimi, and spouses John Kelleff and Arlene Mellett claimed psychiatric ailments kept them from earning a living, according to court papers.

Manhattan DA Cyrus Vance Jr. said they were part of a \$400 million scheme in which 106 fraudsters exploited the system to score unwarranted disability pensions.

Some of the scammers bilked the system since the 1980s. Many others feigned 9/11 nightmares -- while continuing to live fun-pocked lives of leisure.

Vincent LaMantia, 43, is the most brazen. Though he claims to have suffered crippling mental problems, he can be seen in a YouTube video giving a motivational speech on, of all subjects, getting rich quick.

"Your positive mental attitude will make you a ton of money . . . Your smile will make you a fortune!" he tells the cheering audience. The clip was posted last year, but it was not clear when it was made.

Vincent has been ac-



**LIVIN' LARGE:** The West Palm Beach home of alleged disability fraudster Glenn Lieberman, an ex-cop.

# Racket all in the 'scamily'

cused of wrongly taking \$145,000 in benefits from May 2010 to June 2013. Officials have not given details of why he claimed to be a mental wreck.

He wasn't always feeling blue. In 1996, Vincent appeared in Cosmopolitan magazine's "Bachelor of the Month" calendar.

"I'm not going to lie to you, I like the attention,"

Vincent, who was a cop in the Brooklyn South Precinct, said at the time.

There was no answer at his Staten Island home in an attempt to reach him for comment.

His brother Darrin, 46, is a deep-sea fisherman and charter-boat captain who's run tournaments in which anglers hooked massive blue sharks. The ex-cop didn't re-

turn phone messages.

The Galimi siblings, who all worked for the NYPD, are accused of stealing more than \$596,000, with more than \$287,000 going to Thomas, who began collecting benefits in 2002.

A young woman who answered the phone at Karen's house insisted, "Nobody is guilty," while Kevin's lawyer, Lou La Pietra, said: "My

client is one of the few who did nothing wrong."

Husband-and-wife ex-cops John Kelleff and Arlene Mellett -- who have homes in Long Island and Florida -- are charged with ripping off more than \$300,000. They didn't return messages seeking comment.

Additional reporting by Lorenza Mangelli, Erin Calabrese, Jeane MacIntosh





Cyrus R. Vance Jr., the Manhattan district attorney, held a news conference on Tuesday to announce the indictments. The photograph is from an online account of one of the defendants, who had applied for disability. Michael Appleton for The New York Times.

# NYPD-FDNY pension rip-off: Round Two

By REBECCA ROSENBERG

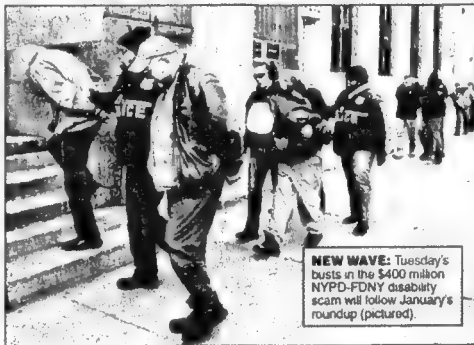
Another 28 NYPD and FDNY pension cheaters — including two sons of the alleged ringleaders of the massive Social Security disability scheme — will be swept up Tuesday in the ongoing probe, sources told *The Post*.

The scammers, many of whom pretended to have suffered emotional trauma from 9/11, will be rounded up in the morning by investigators from the Manhattan District Attorney's Office.

They will be arraigned in the afternoon before Manhattan Supreme Court Justice Daniel Fitzgerald, according to the sources.

The new roundup follows the January arrest of 100 people in the \$400 million taxpayer fraud — including bird-ripping, jet-skiing poster boy Greg Lieberman, 48.

Lieberman, a former Brooklyn anti-gang cop, allegedly scored nearly \$750,000 in bogus disability and claimed to suffer from debilitating depression and panic attacks. He then brazenly posted online photos of himself zip-lining around on a jet-ski — while giving



**NEW WAVE:** Tuesday's busts in the \$400 million NYPD-FDNY disability scam will follow January's roundup (pictured).

two middle fingers.

Among those expected to be nabbed in Tuesday's pickup is retired cop Sam Esposito, the son of former cop Joseph Esposito, 70, an alleged kingpin of the disability plot who recruited and coached retirees.

Sam Esposito is expected to be charged with fraudulently obtaining disability payments, the sources said.

Another scion of the alleged scam, Douglas Hale, also is expected to be charged, according to the sources. Hale's 80-year-old father, Thomas, headed a company that allegedly helped prepare bogus Social Security applications.

The new group to be rounded up includes 16 retired NYPD cops and four retired FDNY members, a source close to the invest-

igation said. Of that batch, one lives in Wisconsin, another in South Carolina and two in Florida.

Like the previously busted cops and firefighters, many in the latest group allegedly claimed falsely that they worked at Ground Zero or lost loved ones on 9/11 in a bid to score fat disability payments.

In addition to the elder Esposito and Hale, prosecutors say ringleaders included police-union employee John Minerva, who allegedly helped gather applicants, and former FBI agent and ex-Nassau County prosecutor Raymond Lavallee, who allegedly reviewed the final paperwork.

The four men, prosecutors said, coached glibly NYPD and FDNY members on how to fake mental illness, and helped them prepare their bogus claims.

Many of the alleged fraudsters claimed they couldn't sleep, do simple arithmetic or even leave their own homes — but investigators found that they'd been piloting helicopters, teaching karate, deep-sea fishing and even running half-marathons.

Prosecutors say one of the worst offenders was ex-cop Louis Hurtado, who took in \$470,000 in the alleged scheme and was caught teaching karate.

Hurtado had been coming the system the longest, since 1989, authorities said.

Officials believe that as many as 1,000 people might be involved in the colossal swindle.

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# 18 mos. for \$400M scam 'Ringleader's easy deal

By LIA EUSTACHEWICH

An accused ringleader in a massive Social Security disability scam involving city cops and firefighters landed a sweetheart plea deal Wednesday.

Ex-cop Joseph Esposito, 70, pleaded guilty in Manhattan Supreme Court to first-degree grand larceny for coaching dozens of ex-cops and firefighters, in exchange for hefty kickbacks, to lie on their disability applications.

The charge carries a maximum sentence of 25 years — but Esposito will serve far less for cooperating with the Manhattan District Attorney's Office.

As long as the disgraced ex-cop keeps singing, the charge will be reduced to second-degree grand larceny, and Esposito could face as little as 18 months behind bars in the notorious case.

The scam cost taxpayers as much as \$400 million, according to prosecutors.

Some of the retired cops and firefighters, to collect benefits, lied that they were at Ground Zero.

"Today, Mr. Esposito accepted responsibility for his role in this disability matter," said his lawyer,



**JOSEPH ESPOSITO**  
Guilty of disability fraud.

Brian Griffin, while denying that his client was one of the leaders behind the scam, as the DA's Office has charged.

"While neither an architect or a mastermind, in his role his actions crossed ethical and legal lines," Griffin said.

A somber Esposito, clad in a navy pinstriped suit in court, had no comment.

More than 120 other people were swept up in the scam, which started 25 years ago, authorities said. Nearly 90 have pleaded guilty so far.

Last week, prosecutors dropped charges against eight suspects — including a sickly veteran NYPD sergeant who responded during 9/11 — after learning that they truly were disabled.

Esposito was ordered to pay \$733,895 in restitution, which had already been seized by authorities from various bank accounts after his January arrest.

Griffin said Esposito plans to fully cooperate with the investigation.

"If called upon by any party, Mr. Esposito will testify to the truth," the attorney said.

The scam was allegedly orchestrated by Esposito, former prosecutor and ex-FBI agent Raymond Lavelle, Thomas Hale, who served as a disability adviser, and John Minvera, who told applicants to lie in their paperwork, officials said.

Some of the scammers — who claimed they were too sick to work — were caught posting Facebook photos of their active lifestyles, including riding Jet Skis and going sail fishing.

DA Cyrus Vance Jr. was withering in his criticism of the scores of alleged scammers when they were first arrested.

"These defendants are accused of gaming the system ... in order to obtain benefits to which they were not entitled. Their lies were repetitive and extensive," he said.

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# PULPIT FICTION

## Disability-con cop reveals holy tax scam

BY SHAYNA JACOBS  
NEW YORK DAILY NEWS

**FORGIVE HIM** father, for he has scammed.

Joseph Esposito, a retired cop at the heart of a lucrative large-scale disability racket that led to 106 arrests in 2014, once became a fake minister to get out of paying taxes, the Daily News has learned.

Esposito, 66, reluctantly made the disclosure when he testified as part of his cooperation plea deal against fellow ex-cop Kevin Hurley in Manhattan Supreme Court.

The May grand larceny case against Hurley, accused of claiming more than \$200,000 in disability benefits by faking claims of mental illness, ended with a guilty verdict.

"I became a minister in 1980," Es-

### EXCLUSIVE

posito said, according to the court transcript. "In 1979/1980 if you became a minister, and you made contributions to the church, you would get deductions on your income tax."

The minister racket Esposito (inset) was a part of 35 years ago closely mirrored the later Social Security disability scam that landed him in handcuffs in January 2014. In the earlier tax fraud, only a few bogus ministers were arrested.

The majority — hundreds of civil service workers, including Esposito — were simply audited and billed for the stolen money, said a source with knowledge of that investigation.

Esposito retired as a beat cop on a

three-quarters disability pension after crashing a scooter on his way to police an abortion rally in 1989. A friend sent him to Thomas Hale, now 92, a top dog in the disability swindle — and soon the two men were in cahoots. Like Esposito, Hale has entered into a cooperation plea deal.

"People would call me and wanted to know how I got Social Security," Esposito said during Hurley's trial. "I was explaining to them that I went to see Thomas Hale and I would take them to see Tom Hale."

For about two decades, beginning in 1993, he steered at least 100 people — mostly former NYPD and FD-

NY members — to a government pay-  
back gravy train, and took a cut for himself. He and his partners coached recruits to lie about their emotional and psychiatric well-being to doctors and Social Security officials.

Hurley's lawyer, Joe Murray, grilled Esposito about his "clergy" past to smack his credibility.

The Long Island con man, who was on dialysis at the time of his testimony, admitted he'd advised his fellow fake fathers to set aside their illegal tax savings until they learned whether they'd be audited and forced to pay it back.

Esposito could be called to testify again at the trial of another alleged disability scammer, Daniel Mallo.



# 9/11 pay OK to 'bad cop'

BY JOHN MARZULLI  
NEW YORK DAILY NEWS

**EXCLUSIVE**

A RETIRED NYPD chief has been approved for a tax-free disability pension related to the 9/11 attacks after he was forced to resign in disgrace last year as Nassau County's top cop, the Daily News has learned.

Thomas Dale, 64, has cancer and convinced a panel of NYPD doctors that the illness resulted from exposure to toxic Ground Zero and has rendered him disabled, sources said. It is unclear when the illness was diagnosed.

The full pension board will vote Wednesday on Dale's pension, and if approved, he would pocket an estimated \$199,000 annually — tax-free.

Dale, a 40-year NYPD vet, was canned in December for using his influence

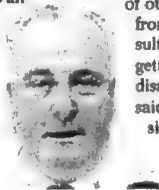
**Thomas Dale, booted as Nassau County top cop, now eyes NYPD disability pension.**

as police commissioner to arrest a witness in a politically motivated case in Nassau County.

Dale was the NYPD's chief of personnel in 2012 when he left with a "service retirement" to take the post in Long Island.

Eligible cops have to prove they were at Ground Zero within 48 hours of the attack, or subsequently spent 40 hours working either south of Canal St., at the city morgue or at the Staten Island landfill where debris was sifted for human remains.

"I wish the chief well, but a lot of other cops suffering from cancers as a result of 9/11 are not getting approved for disability pensions," said lawyer and pension expert Jeffrey Goldberg.



# Ex-cop: I'm 9/11 scam

BY LARRY MCSHANE  
NEW YORK DAILY NEWS

When cancer-stricken Ground Zero hero John Ferreyra filed his 9/11 compensation claim, the NYPD veteran hired an ex-cop-turned-lawyer — only to find seven years later that his longtime friend pocketed most of the \$1 million payout.

Attorney Gustavo Vila admitted the callous betrayal of his client and colleague Thursday in White Plains Federal Court, pleading guilty to a single count of theft of government funds in the heartless scam. The attorney spent 90% of his client's stolen funds, including payment for his taxes and checks worth more than \$280,000 written to his then-wife and their son, authorities charged.

"I knowingly embezzled from the government ... from the Sept. 11 Victim Compensation Fund," said Vila in a hearing attended by Ferreyra and his wife Lisa. "I knowingly did it. I knew it was a crime, and I have no excuse, and I am pleading guilty."

His first-responder client received only a single payment of \$100,000 from the crooked ex-NYPD lieutenant after the 9/11 money was awarded in October 2016, then covered up his crime with bogus explanations that continued into January 2020, prosecutors said.

The ex-cop waited in vain for the rest of his overdue money, only to learn this past February that he was bilked by his former colleague and friend of two decades.

"The trust I had in Gus, we knew each other so long," said Ferreyra, diagnosed in 2005 with non-Hodgkin's lymphoma after months working at the toxic site. "We broke bread together. I had absolute trust in him ... And then delay after delay, and lies."

Vila, 62, faces up to 10 years in prison on his plea, although prosecutors and the defense agreed on a sentencing range of 41 to 51 months. The defendant, free on bail pending a Feb. 5 sentencing, was hired by his friend to work on the case in 2013.

Ferreyra collected less than 10% of the \$1,030,622 payment, with his lawyer writing checks from the compensation fund cash to pay his taxes, cover outstanding loans and enrich his family.

By the time the money was deposited in Vila's bank account, he was already disbarred for a grand larceny conviction in an unrelated 2015 criminal case. Ferreyra, who was initially given



Former NYPD cop John Ferreyra (above) was diagnosed with cancer in 2005.

## Tells fed court 'no excuse' for taking nearly \$1M from sick pal

just a 5% chance of recovery, was kept in the dark about his lawyer's legal issues.

After the Sept. 11, 2001, terrorist attack on the World Trade Center, Ferreyra, the father of two girls, spent months working in the recovery efforts at Ground Zero.

The ailing cop, diagnosed with cancer in 2005, endured endless rounds of treatment — from multiple surgeries to chemotherapy, from a stem cell transplant to radiation. Despite their long friendship, Ferreyra recalled, the scheming lawyer never apologized for his

treachery. "He was almost happy to be caught," said the former cop. "He said, 'I'm surprised it took me this long to be caught.'"

A fellow 9/11 first responder steered the scammed Ferreyra to attorney Michael Barash, who has represented thousands of 9/11 victims. The lawyer said it quickly became clear that his client was fleeced by the unscrupulous Vila, who filed Ferreyra's claim back in May 2013, according to court papers.

"This guy is a common thief," said Barash, who handled the case pro bono. "This was blood

money. [Ferreyra] almost died. What he went through, no one should go through. There are no excuses."

Barash added that the New York Lawyers Fund granted a \$400,000 award to Ferreyra to help with his financial issues.

Vila spent 20 years with the NYPD, working as an undercover investigator before promotions to sergeant and then lieutenant. According to an online resume, he served as a commanding officer for two detective squads and as an advisor to Police Commissioner William Bratton in the 1990s.

# NYPD Cancer Incidence Rates 1995–2014 Encompassing the Entire World Trade Center Cohort

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## NYPD Medical Records

Cancer information for active duty uniformed NYPD officers was extracted from comprehensive, integrated medical/personnel records—maintained from initial pre-hiring examinations until retirement—by NYPD Medical Division personnel; the only individuals authorized to review such files. Information regarding any and all visits to the Medical Division for illness or injuries, their impact on duty status, in addition to all admitted physician and hospital records, are contained therein, and archived for over 50 years.

Identification of cancer diagnoses in officers was generated via International Classification of Diseases, 9th Revision (ICD-9) code queries of our computer database, after which charts of identified cases were reviewed and verified for details, including presenting symptoms, method of diagnosis, medical reports (pathology, imaging), ICD-9 diagnosis codes, and pathologic subtypes, as was information regarding family history, predisposing cancer risk factors, and all changes in duty status. Records were mined for all relevant information pertaining to the specific cancer diagnosis in question and, when warranted, further information was obtained through personal interview.

## RESULTS

For TC, the median age-adjusted incidence rates for 1995 to 2000, 2002 to 2012, and 2002 to 2014 were 1.79, 4.10, and 4.10 per 100,000, respectively, for NHL, 1.04, 1.75, and 1.75 per 100,000, respectively; and for primary BC, 1.04, 3.40, and 2.27 per 100,000, respectively. In the case of KC, median age-adjusted incidence rate increases postexposure could not be statistically computed, as the median CIR during 1995 to 2000 was 0 per 100,000; however, we observed similar absolute rate increases in KC, in the postexposure period (Table 2). SIRs for all cancers, TC, BC, NHL, and KC for the 2002 to 2012 time period were 0.52 (95% CI 0.48–0.56), 0.65 (95% CI 0.47–0.83), 1.21 (95% CI 0.72–1.69), 0.58 (95% CI 0.37–0.79), and 0.92 (95% CI 0.62–1.22), respectively, indicating that the NYPD 9/11/01 exposed cohort exhibited cancer rates lower than that of the general population (except for BC). However, the internal comparison of the CIR's among the NYPD population, before and after September 11, 2001, was the primary comparison of interest in this study.

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NYPD 9/11/01 exposed cohort exhibited cancer rates lower than that of the general population

We could not fully compare pre and post-WTC CIR for retired officers, as complete pre-9/11 cancer information for retired officers was not available in the years before 2001, and until after 2005, as there was no financial incentive for retirees to report such information, until passage of WTC Compensation legislation in 2005 and 2010,<sup>31,32</sup> after which such cancer information was forthcoming.

The SEER data rates (Table 2) corresponding to the highlighted cancers we report on revealed markedly higher rates of all cancers in the general population than our cohort.



