



Written by [Bob Adelman](#) on February 1, 2018

In a Surprise Move, DOJ Asks Judge to Dismiss All Charges Against NJ Senator Menendez

The Justice Department, which just weeks earlier said it was planning on retrying New Jersey's senior Senator Bob Menendez on corruption charges, [asked a district court judge](#) on Wednesday to "dismiss the ... indictment[s]" against him, and hours later the judge complied. Menendez's sigh of relief was palpable in his statement following the dismissal:



From the very beginning, I never wavered in my innocence and my belief that justice would prevail. I am grateful that the Department of Justice has taken the time to reevaluate its case and come to the appropriate conclusion.

"From the very beginning" Menendez's political career has been plagued with charges of corruption, graft, illegal influence peddling, and lying. Just because the DOJ has decided not to press its case against him doesn't mean he's innocent, just lucky.

Following a hung jury in November, Menendez has been holding his breath, waiting for the date of his retrial to be announced this week. The dismissal caught many by surprise, including former federal prosecutor Robert Mintz:

This case has been on a long, winding road, and this is a surprising end. It's certainly a major setback for the Department of Justice, given the high-profile nature of this case.

There are many reasons why the DOJ has backed down, including the enormous expenditure of time, effort, and taxpayers' monies during the first trial that failed to convict him. The prosecution took eight long weeks and put 50 witnesses on the stand, and still it was unable to build a solid link between gifts to Menendez from his "good friend" Salomon Melgen, an eye doctor from Miami, and certain "official" acts by Menendez that benefitted Melgen.

That Melgen is himself corrupt is evident by his conviction on 67 counts of Medicare fraud and his imminent sentencing (up to 30 years) for them.

But perhaps the real reason — the one that appears to be most persuasive in this case — is the Supreme Court's decision in 2016 to throw out a conviction in a similar corruption case brought against former Virginia Governor Bob McDonnell. McDonnell was found guilty of violating the law when he received gifts, money, and loans from Jonnie Williams, the CEO of a Virginia-based company, in exchange for official acts by McDonnell that the jury saw as favorable to Williams.

Upon appeal the Supreme Court was unanimous in throwing out McDonnell's conviction, and Chief Justice John Roberts explained why. Those "official acts" that McDonnell performed weren't adequately tied directly to gifts from Williams:



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In sum, an “official act” is a decision or action on a ‘question, matter, cause, suit, proceeding or controversy.’ Setting up a meeting, talking to another official, or organizing an event (or agreeing to do so) ... does not fit that definition of an official act.

This was the prosecution’s weakness in last fall’s trial of Menendez: It failed in proving conclusively to the jury that certain “official acts” by the senator were tied directly to various gifts that Melgen provided in return. There were trips to the Dominican Republic provided by Melgen to Menendez on his private jet, which Menendez failed to report properly. There was political pressure and influence that Menendez brought to bear that indirectly benefitted Melgen. The 68-page indictment against Menendez looked persuasive, alleging that Menendez had attempted, on Melgen’s behalf, to influence a State Department official in a dispute involving one of Melgen’s business interests in the Dominican Republic; that Menendez tried to help Melgen “resolve” a dispute the doctor was having with Medicare over billing fraud; and that Menendez had ordered his staff to secure visas for several of Melgen’s prostitutes. Michelle Malkin wrote pointedly about that third charge:

This is not in dispute: Menendez and his staff pressured the State Department to expedite the foreign tourist and student visa approval processes for a bevy of buxom foreign beauties. One of them, Brazilian actress and porn pinup star Juliana Lopes Leite (a.k.a. ‘Girlfriend 1’), had her F-1 student visa application moved to the top of the pile in 2008 after Menendez and his staff intervened as a favor to ... Melgen.

Another, Rosiell Polanco-Suera, testified that her rejected visa application (along with her sister’s) received reconsideration and instant approval after Melgen promised to ‘fix it’ by reaching out to Menendez.

Those charges have now been dismissed, leaving Menendez facing an internal Senate ethics probe dating back to 2013, which was put on hold while the DOJ was doing its initial investigations into Menendez’s graft. That inquiry is now resuming.

Menendez has dodged similar bullets over his corrupt behavior in the past. Corruption aggregator [DiscoverTheNetworks.org](#), in its six-page single-spaced summary of Menendez’s long history of graft, included these two:

In 2010 the *Wall Street Journal* reported that Menendez had written to Federal Reserve chairman Ben Bernanke, asking him to approve the Crown Bank of Brick’s acquisition of the failing New Jersey-based First Bank Americano (FBA), whose chairman and vice chairman were both major Menendez donors. (That acquisition, had it been approved, would have prevented the two executives from losing whatever was left of their investments in the bank.) All told, 8 of FBA’s 15 directors had given money to Menendez or his political action committee. Former federal bank regulator William Black, a Democrat, called Menendez’s letter “grotesquely inappropriate” insofar as it directly asked regulators to approve an application, rather than to simply place it under consideration. A scathing FDIC report indicated that FBA had engaged in numerous unsafe or unsound banking practices over the years, and the acquisition ultimately was disallowed.

In December 2012 it was reported that one of the interns working in Senator Menendez’s office was an 18-year-old immigrant from Peru who was living in the U.S. illegally and was a registered sex offender. The Immigration and Customs Enforcement agency first became aware of the man in October 2012, but the Department of Homeland Security instructed federal agents not to arrest him until after the November elections; Menendez, whose six-year Senate term was drawing to a



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close, was among those on the ballot. When news of the intern's background finally broke five weeks after Election Day, Menendez denied having known anything about the directive to delay the young man's arrest.

All of this is bad, but doesn't say a single word about Menendez's blatant and continuing violation of his oath of office. According to the Freedom Index published by *The New American*, Menendez's voting record (going back to 1999) reveals that he has voted against the Constitution of the United States five out of every six times that he has voted on a clearly constitutional issue.

Wednesday's dismissal leaves Menendez free to run for reelection in November. Loyal supporters, ignoring both his corruption and his unconstitutional voting record, have poured nearly \$6 million into his reelection campaign. Only the ethics inquiry now under way stands between him and another six years of corruption and treason to the United States by the senior senator from New Jersey.

Image of Bob Menendez: [Screenshot from senate.gov](#)

An Ivy League graduate and former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at [LightFromTheRight.com](#), primarily on economics and politics. He can be reached at badelmann@thenewamerican.com.

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