

# Democratic New Jersey senator on trial for official corruption

**Philip Guelpa****30 September 2017**

US Senator Robert Menendez, a New Jersey Democrat, is currently on trial on charges of political corruption. He is specifically charged with twelve counts, including six of bribery and three of honest services fraud.

Among the accusations are three acts undertaken to benefit a friend and wealthy doctor, Salomon Melgen, who had made large political contributions to the senator, reportedly totaling more than \$700,000. In one action, Menendez personally intervened to obtain visas for three female friends of Dr. Melgen. Menendez is also accused of having intervened with the departments of State and Commerce for favorable treatment for Melgen regarding a contract dispute in the Dominican Republic. Lastly, the Department of Health and Human Services is alleged to have been pressured by the senator to resolve a billing dispute with Melgen. The prosecution alleges that there was a close correspondence in the timing of substantial political contributions with favorable actions taken by Menendez.

In addition to large campaign contributions, court testimony indicates that Melgen gave lavish gifts to Menendez. In one instance, he is reported to have arranged for the senator to stay for three days in a luxury hotel in Paris, in a room with luxurious amenities, using nearly 650,000 American Express rewards points. These and other gifts, which the indictment characterizes as bribes, were initially not disclosed by the senator, as required.

The defense argues that all of this, the gifts and donations on the one hand, and the political favors on the other, were merely expressions of friendship rather than evidence of corruption.

In reality, all three acts are examples of the use of official position to obtain tangible benefits for a wealthy donor, actions above and beyond what would have been undertaken on behalf of ordinary citizens who could not afford such expensive expressions of "friendship."

Earlier this year, Dr. Melgen was convicted of all 67 counts in a scheme to defraud Medicare of an amount totaling \$90 million. The Health and Human Services issue for which the doctor received assistance from Menendez involved Medicare reimbursements. He reportedly also lobbied the Obama administration to make changes in Medicare reimbursement policies which would have been of significant financial benefit to Melgen.

Menendez is an experienced political operative, having begun as a mayor, then a state legislator, subsequently a Congressman, and now a US senator, the position to which he was first elected in 2005. He is, therefore, intimately familiar with how power is bought and sold in American capitalist politics. A right-wing figure known for his anti-communist views, he is among the politicians of Cuban ancestry who have lobbied to maintain the US embargo of the island nation.

Despite the clear acts of political quid pro quo in the relations between Menendez and Melgen, Menendez may nevertheless be the latest politician to benefit from a 2016 US Supreme Court ruling that has already resulted in reversals of the corruption convictions of three prominent politicians.

The Supreme Court ruling overturning the conviction of Virginia governor Bob McDonnell established that an actual direct exchange of things of value explicitly undertaken to obtain political or economic benefit from an official action, such as a government contract or specific legislation, had to be demonstrated in order for such a prosecution to succeed. Favors or gifts that were clearly meant to gain political influence, found to be criminal in the eyes of a jury of ordinary citizens, are excluded by the Supreme Court as examples of corruption.

In the wake of the McDonnell decision, the recent corruption convictions of two high-ranking New York politicians, Republican Dean Skelos and Democrat Sheldon Silver, have now been overturned. Skelos and

Silver were not mere political foot soldiers. Both were leaders of their respective legislative bodies in the New York State government. Their convictions were overturned on what have been described as legal technicalities—insufficiently precise instructions to the jury—and both will reportedly be retried. However, it is clear that the political atmosphere is becoming more overtly protective of politicians’ “business as usual” practices.

In the McDonnell case, Chief Justice John Roberts described lavish gifts to politicians as “distasteful,” but not illegal. Plans to retry the ex-governor were subsequently dropped.

In another signal that the ruling elite seeks to limit prosecutions for official misconduct, Preet Bharara, the head federal prosecutor (US Attorney) for the Southern District of New York, who led the cases that resulted in the convictions of both Silver and Skelos, was fired by President Trump shortly after he took office. Corruption is “bipartisan”—both major political parties of the bourgeoisie are regularly ensnared. Silver and Menendez are Democrats, Skelos and McDonnell are Republicans.

The Supreme Court ruling and its predictable consequences constitute yet another confirmation that corruption is not merely the unfortunate product of a few “bad apples,” but is an intrinsic part of the capitalist political system, which no amount of reform can expunge. The actions of Silver, Menendez, Skelos and McDonnell are inseparably bound up with the hollowing out of democratic forms of rule and the open buying and selling of political power, given the official stamp of approval by the Supreme Court in its notorious *Citizens United* decision. The system is constructed of, by, and for the ruling elite. This is being confirmed daily by the egregious self-dealing of the Trump administration.



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