

NEW JERSEY SENATE

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October 3, 2023

Nicholas P. Scutari
NJ Senate President
67 Walnut Ave.
Clark, NJ 07066

Dear Senate President Scutari:

As you are aware, on September 22, 2023, the U.S. Attorney's Office for the Southern District of New York announced the indictment of New Jersey's senior U.S. Senator, Robert Menendez. The indictment alleges that, for years, Senator Menendez and his wife, Nadine Menendez, maintained a corrupt relationship with three New Jersey businessmen who paid hundreds of thousands of dollars in bribes for Senator Menendez to unlawfully use his power and influence for the protection and enrichment of the businessmen.

We write as members of the Senate Judiciary Committee, joined by the entirety of the Senate Republican Caucus, to bring to your attention certain events involving the New Jersey Office of Attorney General that have come to light as a result of the indictment and which now present a matter of grave public interest for the people of this State. Although the federal criminal investigation into Senator Menendez is solely within the jurisdiction of the U.S. Department of Justice, and we have no intention or desire to interfere with that process, these events, as described further below, fall squarely within the jurisdiction of the New Jersey Legislature and its constitutional duty to investigate and enact any reforms that may prove necessary.

In brief, while much attention has been paid to the allegations that Senator Menendez pressured officials to make criminal cases "go away," a close reading of the indictment also raises serious concerns about whether officials at the New Jersey Office of Attorney General were in fact compromised by that pressure, potentially complicit in the Senator's alleged crimes, or operating under inadequate or nonexistent protocols for safeguarding against public corruption.

Among other allegations, the indictment asserts that Senator Menendez "sought to interfere in a New Jersey state criminal prosecution" of an individual who was an associate of one of the businessmen accused of having paid bribes to the Senator. Subsequently, the Senator allegedly sought to interfere in the "state criminal investigation" of a second individual, who was an employee and relative of that same businessman.

According to the indictment, “Menendez contacted a *senior state prosecutor* in the Office of the New Jersey Attorney General,” referred to as “Official-2,” who supervised the cases related to both individuals. The “contact” made by Senator Menendez, as recounted in the indictment, involved multiple phone calls with “Official-2,” as well as an in-person meeting at the Senator’s office in Newark. Each instance of contact is alleged to be an attempt by Senator Menendez to unlawfully pressure “Official-2” into bringing about a more favorable resolution for the individuals in question. Notably, although “Official-2” admittedly recognized the Senator’s actions as “inappropriate,” he nevertheless continued engaging in communications with the Senator.

Regarding the first individual’s criminal prosecution, while the indictment offers an unsupported statement suggesting that “Official-2” did not “intervene in the matter,” it then goes on to note that, “Nonetheless, . . . [prosecutors ultimately entered into] a plea agreement that recommended a non-incarceratory sentence.” The indictment then highlights a telling feature of that plea agreement, noting that: **“This resolution was more favorable for the New Jersey Defendant than the prosecutors’ initial plea offer earlier in the case.”** At present, it remains unclear why prosecutors at the Office of Attorney General shifted their position toward a more lenient plea agreement after Senator Menendez contacted “Official-2.” However, the inclusion of this concerning detail in the indictment warrants our attention.

The indictment goes on to outline additional attempts by Senator Menendez to pressure “Official-2,” this time with respect to the state criminal investigation involving the second individual, who was an employee and relative of the businessman. When it came to light that a New Jersey detective was seeking to interview the second individual, the indictment indicates that Senator Menendez yet again agreed to contact “Official-2” on behalf of the businessman.

According to a text message sent by Nadine Menendez, the Senator commented upon learning of the businessman’s second request that: **“it would’ve been so so easy if we had wrapped both [requests] together.”** Taken at face-value, this comment suggests that the Senator believed “Official-2” had been receptive to his previous request and complicit in facilitating a more lenient plea deal for the first individual.

Inexplicably, “Official-2” continued entertaining the Senator’s requests by accepting an in-person meeting at the Senator’s office, during which the Senator allegedly pressured “Official-2” to quash the investigation of the second individual. Thereafter, the Senator purportedly characterized the meeting as a “good meeting” and referred to it as “very positive.” To be blunt, the people of New Jersey deserve to know why Senator Menendez apparently considered his meeting with “Official-2” to be such a “good meeting” and so “very positive.”

Furthermore, glaringly omitted from the indictment is the current status or outcome of the criminal investigation that Senator Menendez sought to disrupt. There is no indication as to whether the second individual was ever in fact interviewed by the detective who originally sought an interview, or for that matter, subjected to any further investigation whatsoever. Likewise, the indictment does not reference any charges ever having been brought against that individual. These are issues of concern that demand explanations.

This troubling sequence of events, the willingness of “Official-2” to entertain repeated


attempts at unlawful interference in criminal matters, the potential failure to report such matters to appropriate authorities, and the appearance that unlawful pressure may have been met with a quiet helping hand within the Office of Attorney General, all raise serious questions as to whether proper protocols were followed, or if such protocols were even in place in the first right.

We are confident that you recognize the importance of addressing these unresolved issues and, like us, understand that it is the responsibility of the Legislature to ensure that State government operates with sufficient safeguards against public corruption.

To that end, we ask that you convene the New Jersey Senate at the earliest possible date in order to pass a resolution initiating a bipartisan investigation by the Senate Judiciary Committee into the matters discussed above. In keeping with past precedent, we ask that the Committee be granted full investigatory authority as set forth at N.J.S.A. 52:13-1 *et seq.*, including full subpoena powers and authorization to retain special counsel.

As you are aware, the indictment of Senator Menendez has dramatically shaken the faith of New Jersey residents in their government officials. We trust that during these difficult times you and your colleagues in the Senate Democratic Caucus will join us in making every effort toward restoring confidence in our public institutions.

Sincerely,




Anthony M. Bucco
Republican Leader
Judiciary Member



Kristin M. Corrado
Ranking Judiciary Member



Michael L. Testa, Jr.
Judiciary Member



Jon Bramnick
Judiciary Member



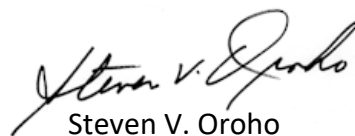
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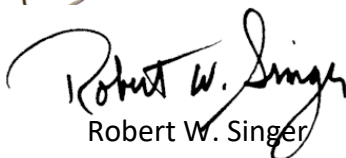
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c: Honorable Brian Stack, Chairman, Senate Judiciary Committee
Timothy Lyndon, Executive Director, Senate Majority Office