

# Opinion: Menendez may lose first round but fight is far from over

CARL GOLDEN | SEPTEMBER 26, 2023 | [OPINION](#), [POLITICS](#)

The NJ senator has proven he's willing to take on all comers. This time out that's the Democratic Party and the Biden administration



Carl Golden

The refusal of U. S. Sen. Bob Menendez to “go gently into that good night” following his indictment on federal corruption charges comes as no surprise to the inhabitants of New Jersey’s political/media universe.

His history, when confronted by critics or political opponents, has been to counterattack swiftly and ferociously and usually prevail.

This time, though, the plot has thickened and the outcome may be different.

The government prosecutors’ allegations are so breathtaking (conspiracy to commit bribery, extortion, and so on) and the evidence seized at the senator’s home so stunning (gold bars and hundreds of thousands of dollars stuffed in clothing, boxes and closets) that within hours of the announcement of the indictment, Gov. Phil Murphy led the leadership of the Democratic Party establishment in calling on Menendez to resign.

## **Damned with faint praise**

All uttered the obligatory comments about the senator’s years of service to the state and his leadership in foreign affairs, but the praise for past efforts was a thin disguise for the blunt message: It’s time to go.

It is of significant note that Obama administration Attorney General Eric Holder, who remains close to the Biden administration and the national Democratic Party, joined those calling for resignation. Using Holder to deliver the message wisely avoided direct involvement by the White House but was a clear signal the administration supports Menendez's departure.

A day later, Third District Rep. Andy Kim announced his intention to oppose Menendez in the 2024 primary election.

It is a vast and jarring difference from the reaction in 2017 when a broad contingent of party leaders — including Murphy — stood arrayed behind Menendez at “We’re With Bobby” rallies as he proclaimed his innocence of corruption charges involving receipt of gifts, travel and resort stays from a doctor in Florida allegedly in return for the senator's help in intervening to resolve the physician's dispute over Medicaid reimbursements.

That case went to trial and concluded with a deadlocked jury, a mistrial and the eventual decision by prosecutors to dismiss the case.

## **Familiar ground**

Menendez has used a defense strikingly similar to the one he employed six years ago, alleging the latest charges are the handiwork of a number of individuals — not identified — engaged in an ongoing smear campaign to drive him from office.

As the calls for his resignation grew, Menendez stood his ground, declaring “I am not going anywhere.”

Speaking at a news conference three days after his indictment, Menendez reiterated his intention to remain in the Senate and his confidence that he would be fully exonerated while not explicitly addressing his reelection.

Menendez and his wife — also indicted — stand accused, among other things, of accepting hundreds of thousands of dollars in cash payments delivered in envelopes, gold bars valued at \$200,000 and a new Mercedes convertible.

In return, the indictment alleges, the senator provided sensitive government information to the Egyptian government, meddled in the appointment of a federal prosecutor and attempted to block a criminal investigation.

Also indicted were Fred Daibes, a New Jersey developer; Wael Hana, an Egyptian businessman and Jose Uribe, a New Jersey businessman.

While prosecutors still must prove their case in a court of law, the descriptive language in the indictment and the stark photos of wads of cash and gold bars are damning.

On its face, a plausible explanation for holding nearly a half million dollars in cash in their home along with gold bars will be difficult to concoct.

## **No party line on ballot**

If Menendez refuses to budge, the party leaders hold little short-term leverage. There is no path to force his resignation. But they possess potentially long-term leverage: coalesce behind a candidate, avoid a damaging primary contest and deny the incumbent senator the county line on the ballot.

A majority of the Democratic county chairs have already joined in the calls for his resignation and presumably would agree to award the favored ballot position as the party-endorsed candidate to another candidate while shunting Menendez off to the far reaches of the ballot.

Candidates who run off the line in New Jersey are rarely successful, but Menendez could be expected to mount a vigorous campaign and, with ample funding, name identification and some organization support, is considerably more formidable.

It would be a contest to determine if Menendez is bigger than the party and his victory would be an epic embarrassment for the establishment.

It would also place at serious risk a United States Senate seat, ending more than a half-century of Democratic dominance. The last Republican victory in a Senate contest occurred in 1972.

With Democrats holding a one-seat edge in the Senate, holding the line in New Jersey is crucial to maintaining control of Congress.

With credible and viable potential challengers like Reps. Mikie Sherrill and Josh Gottheimer — along with the already announced candidate Kim — the task of choosing and uniting behind one will put the strength of leadership of Murphy and state chair Leroy Jones to a rigorous test.

A multicandidate primary leaving blood on the carpet is not in their best interest, not to mention enhancing Menendez's position.

A trial schedule has yet to be established, raising the possibility that the senator will split his time between campaigning and occupying a seat at the defense table.

It is vintage Menendez: taking on the federal government and willing to enter combat against the combined leadership of his own party.

It is also the largest helping of political catnip ever set before the media and that great amorphous mass known as insiders and observers, perhaps even overshadowing the presidential campaign.

Menendez is locked in and the party establishment is adamant. Compromise, reaching an accommodation or in the best New Jersey tradition, making a deal, seem out of the question.

“Going gently into that good night” is off the table. A test of wills seems inevitable.

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