

SDNY ADDS FARA CHARGES TO MENENDEZ INDICTMENT

SDNY just superseded the Robert Menendez indictment to add a Foreign Agent charge.

There's not much new to the indictment. It lays out FARA. It establishes Menendez' awareness of FARA's requirements by pointing to two letters he sent asking for someone else to be investigated for FARA violations. It speaks of an agreement to deliver benefits to Egypt. It describes that the gold and cash found at the Menendez residence was in exchange for favors to Egypt. And it charges Menendez, Nadine, Wael Hana – but not Fred Daibes, the guy who dealt most of the cash – with FARA violations.

I assume much of the evidence may remain classified. But I also wonder whether this was charged now because Menendez hasn't yet resigned – or because the Israeli war raises the stakes on US relations with Egypt.

Update: On closer read of the indictment, I see a few other key differences.

First, there's far more detail about this meeting, in which – as with Egypt's role in the Jamal Khashoggi assassination – Menendez seems to have interceded to protect Egypt.

21. On or about May 21, 2019, ROBERT MENENDEZ, NADINE MENENDEZ, aa "Nadine Arslanian," and WAEL HANA, a/k/a "Will Hana," the defendants, met with an Egyptian intelligence official ("Egyptian Official-3") at MENENDEZ's Senate office in 'Washington, D.C. During this meeting, the group discussed a human rights matter pertaining to the resolution of a claim involving the serious injuries suffered by an American citizen, who was injured in a 2015 airstrike by the Egyptian military using

a U.S -manufactured Apache helicopter. The incident leading to the citizen's injuries and the perception of certain Members of Congress that the Government of Egypt was not willing to provide fair compensation to the injured citizen for the attack resulted in objections by some Members of Congress to the 'awardingof certain military aid to Egypt. Shortly after the meeting with Egyptian Official-3, MENENDEZ conducted a web search for the nameof that American citizen and visited a website that contained an article about the citizen's claim. Approximately a week later, using an encrypted messaging application, Egyptian Official-3 texted HANA in Arabic regarding this |human rights matter, writing, in part, that if MENENDEZ helped resolve the matter, "he will sit very comfortably,"to which HANA replied, "orders, consider it done." Egyptian Official then texted HANA screenshots of a statement from the American citizen's attorney pertaining to the claim, which HANA then forwarded a few days ater to NADINE MENENDEZ, who in turn forwarded it to MENENDEZ. NADINE MENENDEZ subsequently deleted her text messages with HANA about this matter.

One other difference is investigative. To the existing paragraph about the search of Wael Hana's phone in 2019, the superseding indictment notes that the search also found his encrypted texts, texts that Nadine had deleted.

That search also revealed thousands of text messages, many via an encrypted application, with Egyptian military and intelligence officials, pertaining to various topics, including MENENDEZ, and including requests and directives for HANA to act upon.

They obviously have had those for years, but

decided to indict, first, without including them.

Finally, there are a few more pictures of meetings, such as this one taken in Menendez' office and another taken from the May 21, 2019 dinner.



While this indictment may reflect more cooperation from Menendez' staffers, much of it was all baked into the prosecution when they first indicted a month ago.

Update: The 2015 airstrike was on April Corley and her boyfriend.

Update: The indictment establishes Menendez' knowledge of FARA – which is required for FARA but not for 951 – by pointing to two letters he wrote asking for DOJ to investigate a former Congressman under FARA. As Phil Bump lays out, that former Congressman is David Rivera; he has since been charged as an Agent of Venezuela.