

New Jersey's "Bridgegate" Scandal: What Comes Next?

An expert overview of the federal charges filed over the partial closure of the world's busiest bridge.



May 6, 2015

What is the "Bridgegate" scandal, and why has it led to federal charges?

From September 9-13, 2013, officials of the Port Authority of New York and New Jersey shut down access lanes of the George Washington Bridge between New Jersey and New York City for a "traffic study" that gridlocked the small city of Fort Lee, New Jersey for hours each day. In the following weeks, evidence emerged of political motives behind the bridge closure, spurring federal prosecutors to announce an investigation in January 2014. On May 1, 2015, Paul Fishman, U.S. Attorney of New Jersey, charged that two defendants illegally closed the bridge to punish Fort Lee's mayor for refusing to endorse Governor Chris Christie for reelection in 2013.

Who are the defendants?

The defendants are Bill Baroni, former Deputy Director of the Port Authority, and Bridget Anne Kelly, former Deputy Chief of Staff for Legislative and Intergovernmental Affairs in the Governor's Office. Baroni and Kelly are alleged to have conspired with David Wildstein, formerly the Director of Interstate Capital Projects for the Port Authority and now a cooperating witness for the Government. Wildstein has already pleaded guilty to charges in connection with the bridge's closure.

What are the charges?

- Intentional misapplication of resources of a federally-funded program (the Port Authority), in violation of 18 U.S.C. § 666.
- The violation of the civil rights of the people of Fort Lee, NJ to travel freely, in violation of 18 U.S.C. § 241.
- Wire fraud, in violation of 18 U.S.C. § 1343.
- Conspiracy charges related to the above three offenses.

What do these charges reveal?

Although the shutdown of a bridge as political payback is outrageous, its illegality under federal law is less obvious at first blush. The statutory crimes charged, while appearing to fit the conduct alleged in the indictment, are typically applied to different fact patterns than that revealed in this case. Wire fraud and federal program fraud usually involve the wrongful taking of federal funds. Criminal federal civil rights violations most often involve government actors inflicting violence against citizen targets. According to the facts alleged, the defendants diminished the resources of the Port Authority not to line their own pockets, but rather to inconvenience others. However legally irrelevant, this distinction may prompt pretrial litigation and figure into the defense's argument at trial. Likewise, the right to free travel may be a point of dispute in motions and at trial, if the defense contests that the inconvenience of traffic pales in comparison to the death and suffering more typical among victims of civil rights violations.

Are more charges likely? Could Governor Christie be charged?

Fishman has said his office's investigation of the bridge closings is now complete and that he will issue no further charges, absent new evidence. The most plausible source of new evidence would be an additional cooperating witness, such as Bridget Kelly, whose work directly with the governor positioned her to know if he were involved in the scheme. Of course, Kelly has not appeared to cooperate with authorities to date. While defendants sometimes wait to start cooperating until after hearing the charges against them, the high-profile nature of this case and Christie's disavowal of Kelly in the media would have increased the pressure on her to cooperate with prosecutors earlier rather than later.

Meanwhile, although Wildstein has claimed, through his lawyer, that he has evidence of the governor's involvement, he apparently lacked evidence sufficient to satisfy the authorities that Governor Christie should be charged.¹

Interestingly, Fishman specifically said that there would be no further charges related to the bridge closings, but did not rule out further charges in the broader investigation.² Given that the closings led to numerous actions by the Christie administration, including the making of various representations by administration officials, it is possible that prosecutors may yet bring charges of federal obstruction of justice or false statements to federal officials.