

## SCOTUS Opinion: Controversial Bridge Lane Closures by Gov. Christie's Campaign Not Fraud

7 May 2020

When the mayor of Fort Lee, N.J. refused to support Gov. Chris Christie's 2013 re-election campaign, the campaign decided to punish the mayor by shutting down two of the three lanes on the George Washington Bridge that were reserved for Fort Lee commuters into New York under the guise of a "traffic study." That resulted in four days of gridlock before the scheme was stopped. Two members of Gov. Christie's campaign who implemented the plan were convicted by a jury of wire fraud, fraud on a federal entity, and conspiracy to commit fraud, and the convictions were affirmed by the Third Circuit.

However, the Court, in a unanimous opinion by Justice Kagan, vacated and reversed, holding that what the campaign operatives did was an "exercise of regulatory power," not fraud. To be fraud, the prosecution had to prove that the operatives were trying to obtain property as the object of the fraud. No such property was ever obtained. The operatives did not seek to obtain use of the lanes themselves, and did not obtain for their personal use the time and labor of the government employees who shut down the lanes. Therefore, although what the operatives did demonstrated "deception, corruption, [and] abuse of power," it was not fraud, and thus the convictions could not stand.

A link to the opinion in *Kelly v. United States* is here: [https://www.supremecourt.gov/opinions/19pdf/18-1059\\_e2p3.pdf](https://www.supremecourt.gov/opinions/19pdf/18-1059_e2p3.pdf)

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**TAGGED:** fraud, SCOTUS opinion, Kelly v. United States, Chris Christie, wire fraud, conspiracy to commit fraud, regulatory power