

The Indictment of Congressman Chaka Fattah (D-PA): What Comes Next?



Who is the accused?

Congressman [Chaka Fattah](#) has represented Pennsylvania's 2nd District, which includes parts of Philadelphia, for 20 years.

What are the allegations against him?

On July 29, a [federal Grand Jury indicted](#) Congressman Fattah on 29 counts, including conspiracy to commit racketeering (RICO), bribery, money laundering, and fraud. The charges included four co-conspirators as well, including Fattah's chief of staff as well as a former Philadelphia deputy mayor.

Congressman Fattah is accused, first, of seeking and receiving an illegal \$1 million loan from an unnamed person for his unsuccessful 2007 campaign for Philadelphia mayor. The loan was routed through a consulting firm, LSG strategies, in order to disguise it, and then allegedly repaid with federal funds diverted from their intended purposes by the defendants. Defendants used a series of illegal schemes involving several non-profits organizations founded by Fattah and controlled by his alleged co-conspirators. These organizations paid an unidentified public policy firm using federal money; this firm transferred the money to LSG, which then used the money to repay some of the remaining balance of the campaign's loan. Congressman Fattah also allegedly conspired to use campaign funds to pay off his son's college debt using a private consulting firm as a pass-through, which firm later paid off the debt on Fattah's son's behalf. Finally, Congressman Fattah is alleged to have attempted to secure an executive appointment for one of his co-defendants in exchange for a bribe.

Throughout the process, Congressman Fattah and his alleged co-conspirators are accused of covering up these schemes through the creation of a number of falsified records, including falsifying "in-kind" contributions, executing contracts for work that was never done, and recording a sale of a car (in relation to the bribery charge) for which Fattah's wife nonetheless continued to keep registration and insurance.

Why is Congressman Fattah being charged under the RICO statute?

The RICO (Racketeer Influenced and Corrupt Organizations) statute, 18 U.S.C. § 1961 et seq., was originally created to enhance law enforcement's ability to combat organized crime families. However, the "enterprise" charged under the RICO statute can also be an otherwise legal entity, like a labor union, or a group of individuals like Fattah and his co-conspirators who are associated in fact, although not a legal entity. To prove the association in fact, the government must show that the defendants formed an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the charged objectives of the enterprise.

There are multiple benefits to charging RICO instead of using the standard criminal conspiracy statutes. These include sentencing enhancements, the ability to charge conduct illegal only under state statutes as racketeering predicates, and – the likely reason here – the availability of asset forfeiture provisions allowing recovery of all ill-gotten gains of the criminal conduct. That said, the use of RICO does require proof of a racketeering enterprise, an additional legal requirement that the government will have to meet in this case.

Are these charges related to the upcoming trial of Fattah's son, Chaka Fattah, Jr.?

Exactly one year prior, on July 29, 2014, [federal prosecutors charged](#) Chaka Fattah, Jr. the Congressman's 32-year-old son, with defrauding the federal government, Philadelphia schools, and several banks out of hundreds of thousands of dollars, in addition to tax fraud. The charges facing the father and son are similar in nature but involve unrelated incidents. Fattah Jr.'s trial is [set to begin](#) September 14, 2015.

What happens next?

Congressman Fattah has [resigned his leadership position](#) in the House Appropriations Committee, but is not resigning his seat and has [pledged to fight](#) the allegations and run for reelection.