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United States v. Pawlowski: Prosecuting Corruption in a Post- *McDonnell* World What Comes Next?

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Who is Ed Pawlowski?

Edwin “Ed” Pawlowski is the former mayor of Allentown, Pennsylvania. Pawlowski first became mayor in 2006, and he held the office until his [resignation](#) on March 9, 2018, when he was [found guilty of 47 charges in total](#):

- one count of conspiracy,
- eleven counts of federal program bribery,
- two counts of attempted extortion,
- six counts of mail fraud,
- nine counts of wire fraud,
- two counts of honest services mail fraud,
- six counts of honest services wire fraud,
- seven counts of making false statements to federal officials,
- and three counts of Travel Act bribery.

Why is this case important?

The Pawlowski case was the first successful federal corruption prosecution since the watershed [McDonnell decision](#). As a result, the Pawlowski case offers some insight into what prosecutors need to do to be successful in their corruption prosecutions in a post-*McDonnell* world.

What were the allegations against Pawlowski?

Federal prosecutors alleged that Pawlowski and others participated in [nine different pay-to-play schemes](#). Of these nine charged schemes, Pawlowski was acquitted of only one; for the other eight schemes, Pawlowski was convicted on some or all of the counts relating to them. Pawlowski was convicted of:

- Expediting zoning applications and inspection of properties in exchange for campaign contributions;
- Awarding a contract for collecting delinquent taxes in exchange for campaign contributions, donations to a government-affiliated nonprofit, and Philadelphia Eagles playoff tickets;
- Directing city officials to use language favoring a bid on a street light replacement contract in exchange for campaign contributions;
- Awarding a cybersecurity contract in exchange for campaign contributions;
- Awarding a construction inspection services contract in exchange for campaign contributions;
- Directing city officials to favor a bid on a public pool renovation contract in exchange for campaign contributions;
- Directing the city solicitor to give legal work to a certain law firm in exchange for campaign contributions; and
- Soliciting campaign contributions from a law firm in exchange for continuing to contract legal work to that firm.

How does this differ from other post-McDonnell cases like the case against Senator Robert Menendez?

Senator [Robert Menendez](#) was charged with numerous corruption crimes in a federal case that went to trial in 2017. The allegations involved campaign contributions and gifts that Senator Menendez received from a friend, Dr. Salomon Melgen, allegedly in exchange for actions Menendez took with government officials to assist Melgen. The trial resulted in a hung jury, after which the government decided to drop the charges.

The main difference between this case and cases like *Menendez* is that in the Pawlowski case there was a clear, distinct quid pro quo (or attempted quid pro quo) for every conviction, [many of which were recorded](#). In contrast, the alleged exchanges in *Menendez* were a stream of benefits between a campaign contributor and Senator Menendez. The regular flow of favors between the two parties made it difficult for prosecutors to pinpoint any one discrete quid pro quo, and the friendship



between Menendez and Melgen obscured the reason for the gifts.

The Pawlowski case also had important differences from *McDonnell*. Unlike *McDonnell*, the Pawlowski case did not involve mere access, which [the Supreme Court has held](#) does not satisfy the definition of an “official act.” Rather, Pawlowski was found to have engaged in or solicited quid pro quo exchanges that involved actions within the scope of his role as Mayor, such as awarding services contracts. In fact, [the jury instructions in the Pawlowski case](#) explicitly stated that “merely setting up a meeting, hosting an event, calling another official, or speaking with interested parties, without more, do not qualify as official acts,” as per the *McDonnell* holding.

What comes next?

Following his conviction, Pawlowski announced his [resignation](#), effective March 9, 2018. Because of his conviction, he has been [disqualified from receiving pension benefits](#) for his long career in government. Currently, Pawlowski remains free on unsecured bond and is [due to be sentenced on June 27](#).