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### The Conviction of Congressman Chaka Fattah

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

Updated: June 22, 2016

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### *Who is Chaka Fattah?*

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



### *What was Fattah found to have done?*

On June 21, 2016, Congressman Fattah was [convicted on all 23 counts](#) of public corruption he faced, including conspiracy to commit racketeering (RICO), bribery, money laundering, and fraud. Fattah's four co-defendants included his chief of staff as well as a former Philadelphia deputy mayor.

Congressman Fattah was found, first, to have sought and received an illegal \$1 million loan 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 repaid with federal funds diverted from their intended purposes by the defendants. Defendants used a series of illegal schemes involving several non-profit organizations founded by Fattah and controlled by his co-conspirators. These organizations paid a 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 conspired to use campaign funds to pay off his son's college debt using a private consulting firm as a pass-through. Finally, Congressman Fattah attempted to secure an executive appointment for one of his co-defendants in exchange for a bribe.

Throughout the process, Congressman Fattah and his co-conspirators covered 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 was Congressman Fattah 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 had to meet in this case.

### *Are these charges related to the 2014 conviction of Fattah's son, Chaka Fattah, Jr.?*

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 and with tax fraud. The charges facing father and son are similar in nature but involve unrelated incidents. Fattah Jr. was found guilty at trial and [convicted on 22 of the 23 counts](#) of bank and tax fraud. He was sentenced to five years in prison and was ordered to pay \$1.1 million in restitution.

### *What happens next?*

Congressman Fattah [resigned his leadership position](#) on the House Appropriations Committee following his indictment, but did not resign his seat and ran for reelection. Fattah [lost his bid](#) in the April 26, 2016 Democratic Primary to challenger Dwight Evans, a Pennsylvania state representative. Under House rules, Fattah is not required to resign before his term ends on January 2, 2017, but is barred from voting or participating in the work of committees. He is scheduled to be sentenced on [October 4, 2016](#).