



Political Law Alert

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Department of Justice Announces First Known Criminal Prosecution Under the Lobbying Disclosure Act

On June 25, 2020, the Department of Justice (DOJ) announced that Jack Abramoff intends to plead guilty to criminal violations of the Lobbying Disclosure Act of 1995 (LDA), in what is the first known criminal prosecution under that law. Among other charges related to a cryptocurrency scheme, Abramoff's indictment also alleges that he knowingly and corruptly failed to register for lobbying activity on behalf of a client in the marijuana industry, as well as on behalf of an undercover FBI agent posing as a businessperson with interests in federal legislation. Abramoff's proposed guilty plea states that he purposefully did not register because he believed the disclosure of his involvement would have had a "negative impact on [his] client and the project." He faces a maximum sentence of five years in jail and a fine of \$250,000 for his LDA violation alone.

Abramoff initially gained notoriety in 2006 when he pleaded guilty to conspiracy and fraud charges related to his lobbying and lavish entertainment of federal officials, for which he was sentenced to 48 months in prison. His prosecution led directly to the passage of the Honest Leadership and Open Government Act in 2007, which was designed to strengthen the LDA, the same law he is now poised to plead guilty to violating. Abramoff also is the namesake of the Justice Against Corruption on K Street (JACK) Act of 2018, which requires the disclosure of certain criminal convictions on LDA registrations and reports, as discussed in our mailing from January 8, 2019.¹

It is unclear whether this prosecution signals the beginning of heightened enforcement of the LDA by DOJ or if it will remain an outlier, but in either case it serves as a reminder of the importance of compliance with government ethics and transparency laws at all levels of government.

¹ See Skadden's mailing, "[Lobbying Disclosure Act Amended to Require Disclosure of Certain Lobbyist Criminal Convictions.](#)"

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