



Erik F. Swabb

PARTNER

WASHINGTON DC
+ 1 202 663 6543
ERIK.SWABB@WILMERHALE.COM

Erik Swabb is a partner in the Defense, National Security and Government Contracts Practice at WilmerHale. His practice focuses on high-stakes investigations, strategic counseling and crisis management related to national security and government contracting. He regularly conducts internal investigations and has successfully resolved inquiries by federal inspectors general, the Department of Justice, the Department of Defense, Congress and other government entities. He also advises on regulatory, legislative and policy matters related to national security.

Mr. Swabb leverages over 15 years of national security experience in legal, policy and operational roles. He previously served as General Counsel of the Senate Armed Services Committee and Special Adviser to the Legal Adviser of the Department of State. Before his legal career, he was a Marine infantry officer and served in combat in Iraq and in the UN peacekeeping mission in Liberia.

Mr. Swabb has conducted internal investigations and successfully resolved government inquiries involving allegations of:

- Procurement fraud, including False Claims Act and Anti-Kickback Act violations;
- Non-compliance with regulatory and government contract requirements;
- Foreign corruption, including Foreign Corrupt Practices Act violations;
- Government ethics violations;
- Failures in military and security-related operations, equipment and training;
- Sanctions violations; and
- Anti-money laundering violations.

Mr. Swabb has led investigative teams in some of the most challenging political and security environments in the world.

Prior Experience

From 2017 to 2018, Mr. Swabb served as General Counsel of the Senate Armed Services

Committee under Chairman John McCain. Mr. Swabb vetted and advised on all nominations referred to the committee, facilitating bipartisan support for over 40 civilian nominations and over 20,000 military nominations confirmed by the Senate. In addition, he counseled the committee on the passage of the National Defense Authorization Act, the annual defense policy bill that authorizes funding and provides authorities for the Department of Defense. He also advised on oversight and legislative matters, as well as ethics compliance for committee staff.

As Special Adviser to the Legal Adviser of the Department of State from 2018 to 2019, Mr. Swabb counseled the Department's top lawyer on a range of sensitive issues involving congressional oversight, foreign assistance, international claims and international law.

In 2015, Mr. Swabb left WilmerHale and served as a policy advisor for former Florida Governor Jeb Bush's presidential campaign.

Prior to his legal career, Mr. Swabb served as an infantry officer in the Marine Corps from 2002 to 2006. He led a light armored reconnaissance platoon on combat operations in Iraq and supervised unit training as the second-in-command of a company. After law school, he returned to active duty from 2009 to 2010 to serve in the UN Mission in Liberia. He directed multinational operations for information collection in a remote border region and managed the drawdown of the UN peacekeeping force.

Professional Activities

Mr. Swabb has written extensively on national security, political-military affairs and government contract investigations. His articles have appeared in *The Wall Street Journal*, *The Boston Globe*, *Defense One*, *Law360*, *Bloomberg Law*, *The National Review*, *The Christian Science Monitor*, *The Baltimore Sun* and other publications.

Mr. Swabb maintains an active pro bono practice representing military veterans seeking benefits that they earned. He serves on the Board of Directors of the National Veterans Legal Services Program.

Solutions

Congressional Investigations	Crisis Management and Strategic Response	Cross-Border Investigations and Compliance
Defense Tech Transactions	Federal Inspector General Investigations	Government Contract Investigations
Investigations	National Security	Public Policy and Legislative Affairs

Experience

- Counsel for a major defense contractor in a criminal fraud investigation by the Department of Justice and related suspension and debarment proceedings.
- Counsel for a market-leading company in an internal investigation of fraud allegations and a related criminal investigation by the Department of Justice.
- Counsel for a government contractor in litigation against the Department of Energy concerning the decontamination and decommissioning of a nuclear research facility.
- Counsel for a leading industrial technology company in a False Claims Act investigation by the Department of Justice, Department of Defense Office of Inspector General (Defense Criminal Investigative Service), Department of Transportation Office of Inspector General and Air Force Office of Special Investigations.
- Counsel for a defense contractor in a government contract investigation by the Department of Justice, Special Inspector General for Afghanistan Reconstruction, Department of Defense Office of Inspector General (Defense Criminal Investigative Service) and Defense Contract Audit Agency.
- Counsel for a major defense contractor in an internal investigation in the Middle East related to the False Claims Act, the Anti-Kickback Act and the Foreign Corrupt Practices Act.
- Counsel for a major defense contractor in an internal investigation of a foreign military training accident and a related foreign government inquiry.
- Counsel for a market-leading provider of services for the US military in parallel False Claims Act and criminal fraud investigations by the Department of Justice and Air Force Office of Special Investigations.
- Counsel for a company in an internal investigation and related Department of Defense and Government Accountability Office inquiries involving the False Claims Act.
- Counsel for a global company in an internal investigation involving a sensitive geopolitical and security incident.
- Counsel for a company in multiple congressional inquiries and hearings related to services for the US military.
- Counsel for a defense-related organization in a Senate inquiry related to government ethics compliance.
- Counsel for a senior Department of Defense official in a Department of Defense Office of Inspector General investigation related to government ethics compliance.
- Counsel for a defense consulting firm in a Senate inquiry related to anti-corruption and government ethics compliance.
- Counsel for a former Army general in congressional investigations related to the 2012 terrorist attack in Benghazi.
- Counsel for a non-profit organization in connection with congressional engagement regarding the National Defense Authorization Act.

- Counsel for a small business owner in connection with executive branch engagement regarding a Department of Defense regulatory issue.
- Counsel for a major defense contractor in connection with congressional strategies involving national security issues.
- Counsel for a senior Department of State official in a congressional hearing related to national security.
- Counsel for a major consulting firm in a congressional inquiry related to government contracts.
- Counsel for an individual in a high-profile nomination for a national security position in the Cabinet.
- Counsel for a large defense contractor in litigation against the Air Force concerning the launch of military satellites through discovery and trial before the Armed Services Board of Contract Appeals.
- Counsel for a major defense contractor in a dispute with a subcontractor involving contracted services in Afghanistan.
- Counsel for a military veteran wrongfully detained in a foreign country.
- Counsel for a global technology company in a sanctions investigation by the Department of the Treasury’s Office of Foreign Assets Control.
- Counsel for a global financial institution in a cross-border, money laundering investigation.
- Counsel for a major financial institution in multiple money laundering investigations.
- Counsel for a global financial institution in a money laundering investigation in Latin America.
- Counsel for a global financial institution in a money laundering, terrorist financing and sanctions investigation by the Senate Permanent Subcommittee on Investigations.

Credentials

EDUCATION

JD, Harvard Law School, 2009

*Supervising Editor, Harvard
Journal on Legislation*

BA, Political Science, Columbia
University, 2002

summa cum laude

Phi Beta Kappa

ADMISSIONS

District of Columbia

New York

GOVERNMENT EXPERIENCE

Federal Legislative Branch

US Senate

*General Counsel, Committee
on Armed Services*

Department of State

*Special Adviser to the Legal
Adviser of the Department of
State*