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The Foreign Agents Registration Act: Enforcement in the Twenty-First Century

The trend in Foreign Agents Registration Act (FARA) cases is unmistakable. Since 2017, the Department of Justice has aggressively pursued civil enforcement actions and criminal investigations of matters that previously would have warranted at most an administrative request to file an appropriate registration form. This enforcement wave followed a 2016 report by the Department's Office of Inspector General concluding that the Department lacked an effective FARA enforcement strategy.¹ The Justice Department's enforcement initiative has resulted in a series of cases that demonstrate the need for anyone who acts in the United States for the benefit of a foreign person or company to consider the implications of FARA and seek informed advice.

FARA's registration requirements are confusing. As a result, many people are unaware of FARA's mandates, and others who know about the statute mistakenly believe that they qualify for a registration exemption.² Those who do file often make mistakes in their public reports and sometimes fail to include required disclosures with their communications.³

Many people believe FARA applies only if they are paid to represent foreign governments or political parties, but that is not the case. A person who receives no compensation can be a foreign agent,⁴ and any foreign individual or organization can be a foreign principal.⁵ Furthermore, a person can be deemed a foreign agent for acting on behalf of a U.S. person or organization that is supervised or funded by a foreign principal.⁶

And contrary to common understanding, FARA is not limited to interactions with government officials. The statute may require registration if a person acting in the U.S. directly or indirectly on behalf of a foreign principal (1) contacts any federal official;⁷ (2) seeks to influence a federal official concerning U.S. domestic or foreign policies or a foreign government's or foreign political party's political or public interests, policies, or relations;⁸ (3) seeks to influence a section of the U.S. public concerning domestic or foreign policies or a foreign government's or foreign political party's political or public interests, policies, or

¹ See generally U.S. DEPT. OF JUSTICE, AUDIT OF THE NATIONAL SECURITY DIVISION'S ENFORCEMENT AND ADMINISTRATION OF THE FOREIGN AGENTS REGISTRATION ACT (2016).

² See generally 22 U.S.C. § 613 (listing FARA exemptions).

³ See 22 U.S.C. § 614(b) (requiring that informational materials include a "conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice.").

⁴ See 22 U.S.C. § 611(c) (omitting payment as requirement to finding a principal-agent relationship).

⁵ 22 U.S.C. § 611(b) (defining a foreign principal).

⁶ See 22 U.S.C. § 611(c)(1).

⁷ 22 U.S.C. § 611(c)(1)(iv).

⁸ 22 U.S.C. § 611(o).

relations;⁹ (4) acts as a public relations counsel, publicity agent, information-service employee, or political consultant;¹⁰ or (5) solicits, collects, or dispenses things of value.¹¹

FARA exempts from the registration requirement certain agents who are: (1) serving as foreign government officials or diplomatic officers or employees;¹² (2) engaging in nonpolitical commercial activities;¹³ (3) engaging in activities that do not predominantly serve a foreign interest;¹⁴ (4) soliciting funds for humanitarian purposes;¹⁵ (5) acting in furtherance of religious, academic, scientific, or artistic pursuits;¹⁶ (6) acting in furtherance of the interests of both the United States and a foreign country the defense of which the President deems vital to the defense of the United States;¹⁷ (7) practicing law before a federal court or agency in the course of judicial proceedings, criminal or civil law enforcement investigations, or agency proceedings conducted on the record;¹⁸ (8) engaging in lobbying activities and registered under the Lobbying Disclosure Act;¹⁹ or (9) exempted by a federal regulation.²⁰

FARA requires a foreign agent who engages in covered activities to (1) file a registration statement with the Attorney General within ten days;²¹ (2) file a supplemental statement every six months reporting activities undertaken on behalf of the foreign principal and other details;²² (3) include a disclosure statement in any informational materials disseminated on behalf of the foreign principal;²³ and (4) file such informational materials with the Attorney General within 48 hours.²⁴ Failure to register can give rise to criminal liability, as can making a material false statement or omission in any filed document.²⁵

The complexity of the FARA regime is exacerbated by federal regulations that often fail to resolve ambiguities,²⁶ vague questions on forms the Department's National Security Division requires registrants to file,²⁷ opaque "Frequently Asked Questions" guidance posted on the Division's website,²⁸ fact-specific "Advisory Opinions" published by the

⁹ *Id.*

¹⁰ 22 U.S.C. § 611(c)(1)(ii).

¹¹ 22 U.S.C. § 611(c)(1)(iii).

¹² 22 U.S.C. § 613(a)-(c).

¹³ 22 U.S.C. § 613(d).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ 22 U.S.C. § 613(e).

¹⁷ 22 U.S.C. § 613(f).

¹⁸ 22 U.S.C. § 613(g).

¹⁹ 22 U.S.C. § 613(h).

²⁰ 22 U.S.C. § 612(f).

²¹ 22 U.S.C. § 612(a).

²² 22 U.S.C. § 612(b).

²³ 22 U.S.C. § 614(b).

²⁴ 22 U.S.C. § 614(a).

²⁵ 22 U.S.C. § 618(a), (f).

²⁶ *See* 28 C.F.R. pt. 5.

²⁷ *See, e.g., Sample PDF Filing Forms*, DEPT. OF JUSTICE, <https://www.justice.gov/nsd-fara/fara-forms-and-templates>.

²⁸ *See Frequently Asked Questions*, DEPT. OF JUSTICE, <https://www.justice.gov/nsd-fara/fara-frequently-asked-questions>.

Division,²⁹ and quasi-official “Determination Letters” ordering specific persons to register.³⁰ The Division thereby seeks to shape FARA obligations through legally enforceable rules and non-binding advice, like most regulatory agencies. But unlike other regulatory regimes, FARA vests administrative responsibility and criminal enforcement authority in the same cadre of government lawyers. They write the regulations, craft the registration forms, provide legal advice, conduct grand jury investigations, and prosecute people they believe have failed to comply. In another departure from other regulatory regimes, there is no civil penalty for violating FARA; criminal prosecution is the only available punishment.³¹

The Division sometimes sends a “Letter of Inquiry” seeking voluntary compliance by a person it believes may be in violation of a registration requirement.³² In other cases, the Division initiates a criminal investigation or files a civil lawsuit seeking a judicial order requiring registration.³³ Although the statute mandates that the government “shall” notify a registrant in writing if it believes a registration form is deficient, the Division treats that duty as optional.³⁴

The Department’s recent efforts to hold foreign agents accountable for failing to register – or failing to properly complete the complicated registration forms – have yielded mixed results. In 2019, a defendant was acquitted in a case that turned on his alleged failure to register under FARA.³⁵ Several defendants convicted under FARA were pardoned by President Trump in January 2021.³⁶ In 2022, two defendants were acquitted of charges under a similar statute prohibiting people from acting as agents of foreign governments without registering.³⁷ Also in 2022, a federal judge rejected the Department’s civil lawsuit seeking to require a businessman to register under FARA for attempting to persuade the U.S. government to return a Chinese national who had sought asylum.³⁸ The court ruled that FARA does not give the Department civil authority to require retroactive registration after the alleged agent stops representing the foreign principal.³⁹ However, the Department

²⁹ See *Advisory Opinions*, DEPT. OF JUSTICE, <https://www.justice.gov/nsd-fara/advisory-opinions>.

³⁰ See *Letters of Determination*, DEPT. OF JUSTICE, <https://www.justice.gov/nsd-fara/letters-determination>.

³¹ See 22 U.S.C. § 618(a).

³² *Frequently Asked Questions*, DEPT. OF JUSTICE, <https://www.justice.gov/nsd-fara/fara-frequently-asked-questions>.

³³ See 22 U.S.C. § 618(f) (authorizing the Attorney General to apply for an injunction).

³⁴ 22 U.S.C. § 618(g).

³⁵ See *infra* *United States v. Craig*.

³⁶ See *infra* *United States v. Broidy*, *United States v. Flynn*, and *United States v. Manafort, et al.*

³⁷ Shayna Jacobs, *Trump ally Thomas Barrack acquitted of violating foreign agents law*, WASH. POST (Nov. 4, 2022), <https://www.washingtonpost.com/national-security/2022/11/04/trump-ally-thomas-barrack-acquitted-violating-foreign-agents-law/>. The government charged the defendants under 18 U.S.C. § 951, which provides that “[w]hoever, other than a diplomatic or consular officer or attaché, acts in the United States as an agent of a foreign government without prior notification to the Attorney General . . . shall be fined under this title or imprisoned not more than ten years, or both.”

³⁸ Spencer S. Hsu, *Judge rejects DOJ bid to compel Steve Wynn to register as China agent*, WASH. POST (Oct. 11, 2022), <https://www.washingtonpost.com/dc-md-va/2022/10/12/wynn-doj-lawsuit-tossed-foreign-agent/>.

³⁹ *Id.*

has brought criminal charges against three other people arising from the same investigation.⁴⁰

The Department of Justice describes FARA as “an important tool used to combat foreign influence in the United States.”⁴¹ Deputy Attorney General Lisa Monaco recently said that the Department’s FARA enforcement is designed “to combat . . . *malign* influence,”⁴² but malignity is not an element of the offense and is often absent from the Department’s cases. A National Security Division official noted that “the problem set that FARA was meant to address” is “covert efforts to influence policy and public opinion or to subvert our democracy by sowing division and otherwise distorting the marketplace of ideas.”⁴³ The focus, the National Security Division has emphasized, is on “activities undertaken to influence public opinion or governmental action on political or policy matters,” and the goal is to promote disclosure that “allows the American public and government officials to evaluate the agents’ statements and activities with knowledge of the foreign interests they serve.”⁴⁴ However, those rhetorical priorities do not preclude prosecutors from bringing charges for conduct that they believe violates the letter of the law.

FARA is an important component of the government’s national security arsenal because it does not require prosecutors to prove that a foreign agent intended or caused any harm. It therefore is a tool the Justice Department can deploy to prosecute a wide range of otherwise-benign conduct. Deputy Attorney General Monaco has declared that “the rapid expansion of national security-related corporate crime” is “the biggest shift in corporate criminal enforcement” during her time in government.⁴⁵ The Department is taking notice. In 2023, the number of major national-security related corporate resolutions doubled, the National Security Division added 25 new corporate crime prosecutors, and the National Security Division hired its first Chief Counsel for Corporate Enforcement.⁴⁶ Additional FARA prosecutions are likely to follow.

Compliance officers can draw on past enforcement actions for guidance about navigating FARA. To that end, King & Spalding has collected and summarized FARA cases prosecuted since the turn of the century and indexed advisory opinions issued by the National Security

⁴⁰ See *infra* *United States v. Michel, et al., United States v. Broidy, and United States v. Davis*.

⁴¹ U.S. DEPT. OF JUSTICE, THE SCOPE OF AGENCY UNDER FARA 1 (2020).

⁴² *Deputy Attorney General Lisa O. Monaco Delivers Remarks on Defending the Rule of Law Against Hostile Nation-States*, DEPT. OF JUSTICE (March 28, 2023), <https://www.justice.gov/opa/speech/deputy-attorney-general-lisa-o-monaco-delivers-remarks-defending-rule-law-against-hostile> (emphasis added).

⁴³ *Deputy Assistant Attorney General for the National Security Division Adam Hickey Delivers Remarks at the ACI 2nd National Forum on FARA*, DEPT. OF JUSTICE (Dec. 4, 2020), <https://www.justice.gov/opa/speech/deputy-assistant-attorney-general-national-security-division-adam-hickey-delivers-remarks>.

⁴⁴ Clarification and Modernization of Foreign Agents Registration Act (FARA) Implementing Regulations, 86 Fed. Reg. 70787 (proposed Dec. 13, 2021) (to be codified at 28 C.F.R. 5).

⁴⁵ *Deputy Attorney General Lisa O. Monaco Announces New Safe Harbor Policy for Voluntary Self-Disclosures Made in Connection with Mergers and Acquisitions*, DEPT. OF JUSTICE (Oct. 4, 2023), <https://www.justice.gov/opa/speech/deputy-attorney-general-lisa-o-monaco-announces-new-safe-harbor-policy-voluntary-self>.

⁴⁶ *Id.*

Division. These cases and opinions make clear that anyone who take actions in the United States for the benefit of a foreign person or organization should pause to consider the potential FARA implications.

Criminal Cases to Date

United States v. Menendez, et al. (S.D.N.Y.)

Relevant Charges: On October 12, 2023, a federal grand jury in the Southern District of New York indicted Senator Bob Menendez, Nadine Menendez, and Wael Hana, *inter alia*, for conspiring under 18 U.S.C. § 371 to have Senator Menendez act as an agent of a foreign principal required to register under FARA, which violated 18 U.S.C. § 219 because Senator Menendez was a federal official.

Relevant Facts:

Senator Menendez was a U.S. Senator from New Jersey and Chairman of the Senate Foreign Relations Committee. Senator Menendez was married to Nadine Menendez. Wael Hana was a New Jersey businessman who operated a halal monopoly granted by Egypt.

A federal grand jury charged that Senator Menendez, Nadine Menendez, and Hana engaged in a scheme to aid the Government of Egypt. The government alleged that they:

- Agreed to facilitate foreign military sales and military financing to Egypt through Senator Menendez.
- Caused the disclosure of sensitive, non-public information regarding the U.S. Embassy in Cairo to an Egyptian official.
- Caused the disclosure of non-public information about the provision of military aid to Egypt to an Egyptian official.
- Conspired to edit and ghost-write a letter from an Egyptian official used to lobby U.S. Senators to release military aid to Egypt.
- Conspired to lobby the U.S. Department of Agriculture to stop opposing Hana's halal monopoly in an effort to protect Hana's means of bribing Senator and Nadine Menendez.
- Conspired to lobby various Executive Departments to intervene in a geopolitical dispute regarding Egypt.
- Conspired to pay Senator and Nadine Menendez hundreds of thousands of dollars in bribes using the proceeds from Hana's halal monopoly.

Senator Menendez, a public official, was prohibited by law from acting as an agent of a foreign principal. Neither Nadine Menendez nor Hana filed a registration statement with the Attorney General.

Resolution: The matter is ongoing.

United States v. Rivera, et al. (S.D. Fla.)

Relevant Charges: On November 16, 2022, a federal grand jury in the Southern District of Florida indicted David Rivera and Esther Nuhfer on charges of Conspiracy to Act as an Unregistered Agent of a Foreign Principal (18 U.S.C. § 371) and Failure to Register as an Agent of a Foreign Principal (22 U.S.C. §§ 612 and 618).

Relevant Facts:

David Rivera was a former U.S. Congressman and former Florida legislator who became a lobbyist and consultant. Esther Nuhfer was a Florida-based lobbyist and public relations consultant.

A federal grand jury charged that Rivera and Nuhfer engaged in a lobbying campaign on behalf of the Government of Venezuela. The government alleged that they:

- Agreed to lobby United States politicians on behalf of Venezuela.
- Entered into a “consulting contract” with the subsidiary of an oil company owned and controlled by Venezuela to receive payments for the lobbying activity.
- Arranged meetings between Venezuelan officials and a U.S. Senator for the purpose of normalizing relations between the United States and Venezuela and obtaining relief from sanctions the United States imposed on the Venezuelan regime.
- Arranged for a U.S. Congressman to travel to Venezuela to meet with Venezuelan officials for similar purposes.

Neither Rivera nor Nuhfer filed a registration statement with the Attorney General.

Resolution: The matter is ongoing.

United States v. Luft (S.D.N.Y.)

Relevant Charges: On November 1, 2022, a federal grand jury in the Southern District of New York indicted Gal Luft on the charge of Conspiracy to Act as an Unregistered Agent of a Foreign Principal (18 U.S.C. § 371).

Relevant Background and Conduct:

Gal Luft was a dual United States-Israeli citizen who served as co-director of a Maryland-based think tank.

A federal grand jury charged Luft with orchestrating a public relations campaign on behalf of The People’s Republic of China. The government alleged that Luft:

- Received organizational funding from an organization funded by China and controlled by a Chinese national.
- Agreed in turn to work to advance the interests of China.
- Hired a former senior U.S. government official, who was advising a candidate for President of the United States, to advance the Chinese cause in exchange for a fee.
- Omitted any reference to the work on behalf of China in a consulting agreement between Luft's think tank and the former senior U.S. government official.
- Authored several publications promoting Chinese interests under the former government official's name that did not disclose that the official was being paid for the publications by Luft's think tank, and thus, by China.

Luft did not file a registration statement with the Attorney General.

Resolution: Luft is a fugitive.

United States v. Branson (S.D.N.Y.)

Relevant Charges: On March 8, 2022, federal prosecutors in the Southern District of New York charged Elena Branson with Conspiracy to Act as an Unregistered Agent of a Foreign Principal (18 U.S.C. § 371); Failure to Register as an Agent of a Foreign Principal (22 U.S.C. §§ 612 and 618); and Making False Statements (18 U.S.C. § 1001).

Relevant Background and Conduct:

Elena Branson was a dual United States-Russian citizen.

Federal prosecutors charged Branson with orchestrating a public relations campaign in coordination with the Government of Russia. The government alleged that Branson:

- Incorporated an organization in the United States for the purpose of publicly promoting Russian government policies.
- Served as the chairperson of another United States-based organization that similarly promoted Russian government policies.
- Received organizational funding and direction from Russia.
- Coordinated meetings for Russian officials to lobby U.S. political officials and businesspersons.
- Falsely denied to FBI agents that Russia had asked her to coordinate meetings between United States officials and Russian officials.

Branson did not file a registration statement with the Attorney General.

Resolution: Branson is a fugitive.

United States v. Michel, et al. (D.D.C.)

Relevant Charges: On June 10, 2021, a federal grand jury in the District of Columbia indicted Prakazrel “Pras” Michel and Low Taek Jho with Conspiracy to Act as an Unregistered Agent of a Foreign Principal (18 U.S.C. § 371) and Aiding and Abetting an Unregistered Agent of a Foreign Principal (22 U.S.C. §§ 612 and 618, 18 U.S.C. § 2).

Relevant Background and Conduct:

Pras Michel was a United States citizen and entertainer. Jho was a foreign national who was under indictment in the United States for conspiring to embezzle millions of dollars from an organization owned by the Government of Malaysia.

A federal grand jury charged Michel and Jho with conspiring to engage in two illegal back-channel lobbying campaigns. The government charged that Michel and/or Jho:

- Incorporated shell companies to fund a lobbying campaign to convince the President of the United States and Department of Justice to drop the investigation into Jho’s embezzlement.
- Funneled money from Jho through those shell companies to co-conspirators.
- Coordinated with the co-conspirators as they engaged in the illegal lobbying campaign.

The government charged also that Michel and/or Jho:

- Met with a foreign national and Chinese official regarding the return of a dissident to China.
- Coordinated with the co-conspirators as they engaged in the illegal lobbying campaign.

Michel did not file a registration statement with the Attorney General.

Resolution:

A jury convicted Michel of the charges on April 26, 2023. Michel has not yet been sentenced.

Jho is a fugitive.

United States v. Broidy (D.D.C.)

Relevant Charges: On October 6, 2020, federal prosecutors in the District of Columbia charged Elliott Broidy with Conspiracy to Act as an Unregistered Agent of a Foreign Principal (18 U.S.C. § 371).

Relevant Background and Conduct:

Elliott Broidy served as an official for a national political party in the United States.

Federal prosecutors charged Broidy with lobbying on behalf of a foreign national and the People's Republic of China. The government alleged that Broidy:

- Met with a foreign national under investigation by the Department of Justice regarding the embezzlement of billions of dollars from a company owned by the Government of Malaysia.
- Agreed to facilitate a campaign to lobby the President of the United States and the Department of Justice to drop the investigation.
- Facilitated a meeting between the Malaysian Prime Minister and the President of the United States to allow the former to ask the latter to drop the investigation.
- Accepted funds in connection with the lobbying campaign.

The government also alleged that Broidy:

- Met with a foreign national and Chinese official regarding the return of a dissident to China.
- Attempted to provide the Attorney General of the United States with materials provided by the Chinese official.
- Attempted to arrange a meeting between the Chinese official and top officials at the Department of Justice and the Department of Homeland Security to discuss the return of the dissident.

Broidy did not file a registration statement with the Attorney General.

Resolution: Broidy pled guilty to the charges on September 30, 2020, and agreed to forfeit \$6.6M in proceeds received in connection with the FARA violation. He received a presidential pardon on January 19, 2021, prior to sentencing.

United States v. Davis (D. Haw.)

Relevant Charges: On August 17, 2020, federal prosecutors in the District of Hawaii charged Nickie Lum Davis with Aiding and Abetting an Unregistered Agent of a Foreign Principal (22 U.S.C. §§ 612 and 618, 18 U.S.C. § 2).

Relevant Background and Conduct:

Nickie Lum Davis was a United States citizen, businesswoman, and consultant.

Federal prosecutors charged Davis with aiding and abetting campaigns to lobby on behalf of a foreign national and the People's Republic of China. The government alleged that Davis:

- Met with a foreign national under investigation by the Department of Justice for embezzling billions of dollars from a company owned by the Government of Malaysia.
- Agreed to facilitate a campaign to lobby the President of the United States and the Department of Justice to drop the investigation.
- Aided another individual in facilitating a meeting between the Malaysian Prime Minister and the President of the United States to allow the former to ask the latter to drop the investigation.
- Accepted directly and through a company controlled by a family member funds in connection with the lobbying campaign.

The government also alleged that Davis:

- Met with a foreign national and Chinese official regarding the return of a dissident to China.
- Agreed to assist another individual in lobbying the Administration to return the dissident to China by facilitating a meeting between the Chinese official and top officials at the Department of Justice and the Department of Homeland Security to discuss the return of the dissident.

Davis did not file a registration statement with the Attorney General.

Resolution: Davis pled guilty to both charges on August 31, 2020. She received a two-year prison sentence and agreed to forfeit \$3M in proceeds received in connection with the FARA violation.

United States v. Zuberi (C.D. Cal.)

Relevant Charges: On October 22, 2019, federal prosecutors in the Central District of California charged Imaad Zuberi with Making False Statements on a FARA Filing (22 U.S.C. §§ 612 and 618).

Relevant Background and Conduct:

Imaad Zuberi was a venture capitalist and political fundraiser.

Federal prosecutors charged Zuberi with directing and engaging in lobbying and public relations activities for the benefit and direction of the Government of Sri Lanka. The government alleged that Zuberi:

- Negotiated an agreement with Sri Lanka to rehabilitate Sri Lanka's reputation in the U.S. through media buys and by introducing Sri Lankan officials to U.S. legislators and officials.
- Solicited U.S. legislators to accept all-expenses-paid trips to Sri Lanka.
- Wrote emails and other materials providing a strategy for the influence campaign.
- Met and coordinated with lobbyists on behalf of Sri Lanka.
- Organized and participated in meetings between U.S. legislators and Sri Lankan officials regarding Sri Lankan policy.
- Directed other individuals to register under FARA to conceal his activities on behalf of Sri Lanka.
- Submitted false FARA filings that stated that he did not lobby on behalf of Sri Lanka.

Resolution: Zuberi pled guilty on October 22, 2019. He received a five-year prison sentence for the FARA charge and a \$1M fine for the same.

United States v. Craig (D.D.C.)

Relevant Charges: On April 11, 2019, a federal grand jury in the District of Columbia indicted Gregory Craig for Making False and Misleading Statements on a FARA Filing and a False Statements Scheme (18 U.S.C. § 1001).

Charged Conduct:

Gregory Craig was a lawyer with an international law firm.

A federal grand jury charged Craig with engaging in an unlawful public relations campaign on behalf of the Government of Ukraine. The government alleged that Craig:

- Coordinated with a U.S. lobbyist to draft and publicize a report regarding the fairness of the trial of the former Prime Minister of Ukraine.
- Received a \$4M commitment from a wealthy Ukrainian to fund the report.
- Prepared and signed an engagement letter with Ukraine that falsely understated the fee paid for the report.
- Backdated invoices to make it appear that Ukraine paid for the report.
- Conducted public relations activities in connection with the publication of the report.
- Provided the FARA Unit with false statements in response to questions it asked in assessing whether Craig needed to file as a foreign agent under FARA.

Resolution: A jury found Craig not guilty on September 4, 2019.

United States v. Rafiekian, et al. (E.D. Va.)

Relevant Charges: On December 12, 2018, a federal grand jury in the Eastern District of Virginia indicted Bijan Rafiekian and Kamil Ekim Alptekin on Conspiracy To Make False Statements and Willful Omissions in a FARA Filing (18 U.S.C. § 371). The grand jury also charged Alptekin with four counts of False Statements (18 U.S.C. § 1001).

Relevant Background and Conduct:

Rafiekian was a California businessman. Alptekin was a Turkish national.

A federal grand jury charged Rafiekian and Alptekin with engaging in lobbying and public relations activities on behalf of the Government of Turkey for the purpose of discrediting and securing the return of a dissident Turkish citizen living in the United States. The government alleged that Rafiekian and Alptekin:

- Drafted a plan to secure the return of the dissident.
- Attempted to conceal that Turkey was the client and approved the budget for the campaign.
- Held meetings with Turkish officials regarding the return of the dissident.
- Coordinated with Turkish officials.
- Provided false information to attorneys in connection with the FARA Unit's investigation into whether certain individuals and entities had an obligation to register under FARA.
- Caused false statements to be filed under FARA.

The government alleged that Rafiekian:

- Met with and lobbied several members of Congress and a state official to discredit the dissident and seek his return to Turkey.
- Arranged for the publication of an op-ed under another's name that urged the return of the dissident and sought to discredit him.

The government alleged that Alptekin made numerous false statements to FBI agents related to the lobbying efforts on behalf of Turkey.

Resolution:

A jury convicted Rafiekian on September 24, 2019. The Department of Justice dropped the charges after an appellate court ruled that Rafiekian was entitled to a new trial.

Alptekin is a fugitive.

United States v. Patten (D.D.C.)

Relevant Charges:

On August 31, 2018, federal prosecutors in the District of Columbia charged W. Samuel Patten with Failure to Register as an Agent of a Foreign Principal (22 U.S.C. §§ 612 and 618).

Relevant Background and Conduct:

Patten was a political consultant and lobbyist.

Federal prosecutors charged that Samuel conducted a lobbying campaign on behalf of a Ukrainian political party. The government alleged that Patten:

- Formed a lobbying and consulting company to advise the Ukrainian political party and a Ukrainian oligarch who belonged to that party.
- Traveled to Ukraine to meet with the oligarch.
- Attempted to set up meetings between the oligarch and members of the U.S. legislative and executive branches and the media to influence U.S. policy.
- Drafted talking points and publications for use by the oligarch.
- Received over \$1M for the work done on behalf of the political party.

Patten did not file a registration statement with the Attorney General.

Resolution: Patten pled guilty on August 31, 2018. He received three years of probation after agreeing to cooperate with the government.

United States v. Chaudhry (D. Md.)

Relevant Charges:

On April 19, 2018, federal prosecutors in the District of Maryland charged Nisar Ahmed Chaudhry with Failure to Register as an Agent of a Foreign Principal (22 U.S.C. §§ 612 and 618).

Relevant Background and Conduct:

Chaudhry was a Pakistan national and permanent resident of the United States. He claimed to be the President of the Pakistan American League.

Federal prosecutors charged that the Government of Pakistan directed Chaudhry to obtain information of value to Pakistan. The government alleged that Chaudhry:

- Organized roundtable discussions between U.S. officials, think tank personnel, and Pakistan government officials to obtain information regarding U.S. policy toward Pakistan.
- Attempted to neutralize unfavorable views of Pakistan expressed at the roundtable discussions.
- Falsely represented that his activities were conducted independent of Pakistan.
- Briefed Pakistan officials on information learned from his discussions with U.S. officials and think tank personnel.
- Organized press briefings in the U.S. for Pakistan officials.
- Arranged for former U.S. officials to travel to Pakistan to attend conferences organized by Pakistan.

Chaudhry did not file a registration statement with the Attorney General.

Resolution: Chaudhry pled guilty on May 7, 2018. He received three years of probation.

United States v. Flynn (D.D.C.)

Relevant Charges: On November 30, 2017, federal prosecutors in the District of Columbia charged Michael Flynn with making False Statements (18 U.S.C. § 1001).

Relevant Background and Conduct:

Michael Flynn served as a surrogate and national security advisor for the presidential campaign of Donald Trump, as a senior member of President-Elect Trump’s Transition Team, and as the National Security Advisor to President Trump.

Federal prosecutors charged Flynn with making false statements in response to an investigation into whether Flynn had an obligation to register under FARA. The government alleged that Flynn:

- Performed work on behalf of the Government of Turkey, including publishing an article on United States-Turkey relations.
- Made several FARA filings related to his and his firm’s work on behalf of Turkey that falsely stated the relationship between his work and Turkey, the purpose behind his work for Turkey, and whether Turkey had tasked him with writing and publishing the article on United States-Turkey relations.

Resolution: Flynn pled guilty to the false statements charge before withdrawing his plea. The Department of Justice moved to drop the charges against Flynn, which the court dismissed as moot following Flynn’s receipt of a presidential pardon.

United States v. Manafort, et al. (D.D.C.)

Relevant Charges: On October 30, 2017, a federal grand jury in the District of Columbia indicted Paul Manafort and Richard Gates for Conspiracy to Act as an Agent of a Foreign Principal (18 U.S.C. § 371); Aiding and Abetting a Failure to Register as an Agent of a Foreign Principal (22 U.S.C. §§ 612 and 618, 18 U.S.C. § 2); Aiding and Abetting False and Misleading FARA Statements (22 U.S.C. §§ 612 and 618, 18 U.S.C. § 2); and Aiding and Abetting False Statements (18 U.S.C. § 1001, 18 U.S.C. § 2).

Relevant Background and Conduct:

Paul Manafort and Richard Gates were political consultants and lobbyists. A federal grand jury charged Manafort and Gates with several FARA-related offenses stemming from lobbying work performed on behalf of the former President of Ukraine, his political party, and the Government of Ukraine. The government alleged that Manafort and/or Gates:

- Engaged two U.S. firms to lobby on behalf of Ukraine.
- Arranged for a Belgian entity operated under the direction of Ukraine to serve as the nominal client of the two U.S. firms.
- Created a false cover story to hide that their ultimate client was Ukraine.
- Communicated with the President of Ukraine and passed those communications to the two U.S. firms.
- Caused the firms to lobby members of Congress about sanctions, the validity of Ukraine elections, and the propriety of the President imprisoning his rival, and to prepare a report on the fairness of the trial of the President's rival.
- Gave the FARA Unit false responses about their activities on behalf of Ukraine.

Resolution:

Manafort pled guilty on September 14, 2018, to Conspiracy to Act as an Agent of a Foreign Government and Make False and Misleading FARA Statements. Manafort received a five-year sentence for the FARA offense and was ordered to forfeit \$11M in proceeds from the FARA offense. He later received a pardon.

Gates pled guilty on February 23, 2018, to Conspiracy to Act as an Agent of a Foreign Government and making False Statements. Gates received a 45-day sentence after agreeing to cooperate with federal prosecutors.

United States v. Fai, et al. (E.D. Va.)

Relevant Charges: On July 18, 2011, federal prosecutors in the Eastern District of Virginia charged Syed Fai and Zaheer Ahmad with Conspiracy to Act as an Unregistered Agent of a Foreign Principal (18 U.S.C. § 371).

Relevant Background and Conduct:

Syed Fai was the director of a Washington, DC organization run by the Government of Pakistan. Zaheer Ahmad was an American citizen living in Pakistan.

Federal prosecutors charged Fai and Ahmad with funding a lobbying scheme on behalf of Pakistan. The government charged that Ahmad:

- Funneled money from Pakistan to Fai to use in lobbying efforts.

The government charged that Fai:

- Received Pakistan's money through Ahmad.
- Made public statements regarding the geopolitical goals of Pakistan provided by Pakistan.
- Lied to FBI agents about his relationship with Pakistan operatives operating in the U.S.
- Falsely told the FARA Unit that he had never engaged in activities on behalf of Pakistan.

Resolution:

The Government later dropped the FARA charge as part of a plea agreement.

Ahmad reportedly died in Pakistan in October 2011.

United States v. El-Siddig (W.D. Mo.)

Relevant Charges: On July 7, 2010, federal prosecutors in the Western District of Missouri charged Abdel El-Siddig with Conspiracy to Violate the Foreign Agents Registration Act (18 U.S.C. § 371).

Relevant Background and Conduct:

Abdel El-Siddig was a fundraiser for a United States-based Islamic organization controlled by a Sudan-based Islamic organization. The Sudanese organization had been designated as a Specially Designated Global Terrorist (SDGT) by the United States, which prohibited the

United States organization from receiving funding from the Sudanese organization. It was also added to a list of entities debarred by USAID.

Federal prosecutors charged El-Siddig with funding and orchestrating a lobbying campaign on behalf of the Sudanese organization. The government alleged that El-Siddig:

- Hired the lobbyist, Mark Siljander, to lobby Congress to remove the American organization from a list of organizations suspected of supporting terrorism and to reinstate it as an approved government contractor.
- Made payments to Siljander.

Resolution: El-Siddig pled guilty on July 9, 2010. He received two years of probation.

United States v. Siljander (W.D. Mo.)

Relevant Charges: On July 7, 2010, federal prosecutors in the Western District of Missouri charged Mark Siljander with Failure to Register as an Agent of a Foreign Principal (22 U.S.C. §§ 612 and 618).

Relevant Background and Conduct:

Mark Siljander was a former U.S. Congressman and lobbyist. Abdel El-Siddig was a fundraiser for a United States-based Islamic organization controlled by a Sudan-based Islamic organization. The Sudanese organization had been designated as Specially Designated Global Terrorist (SDGT) by the United States, which prohibited the United States organization from receiving funding from the Sudanese organization. It was also added to a list of entities debarred by USAID.

Federal prosecutors charged Siljander with lobbying on behalf of the Sudanese organization. The government alleged that Siljander:

- Was hired by El-Siddig to lobby Congress to remove the American organization from a list of organizations suspected of supporting terrorism and to reinstate it as an approved government contractor.
- Contacted persons connected to the Department of Justice and Congress and lobbied for the removal of the organization as a SDGT and the debarment list.

Resolution: Siljander pled guilty on July 9, 2010. He received a one-year-and-a-day sentence.

United States v. Israel (E.D. Ill.)

Relevant Charges: On August 27, 2013, a grand jury in the Eastern District of Illinois indicted Prince Israel for Failure to Register as an Agent of a Foreign Principal (22 U.S.C. §§ 612 and 618).

Relevant Background and Conduct:

Prince Israel was a lobbyist and businessman. The United States had imposed sanctions on certain individuals of the Government of Zimbabwe and a company owned by Zimbabwe.

A federal grand jury charged Israel with lobbying on behalf of Zimbabwe. The government alleged that Israel:

- Travelled to South Africa to meet with several high-ranking Zimbabwe officials.
- Agreed to lobby Congress to remove the sanctions and to lobby the State of Illinois to help set up a stock exchange in Zimbabwe.
- Entered into a consulting contract with a Zimbabwe official.
- Arranged several meetings between federal and state officials and Zimbabwe officials regarding the removal of sanctions.
- Lobbied several state legislators for the removal of sanctions.
- Assisted Zimbabwe officials in corresponding with federal and state officials.

Resolution: Israel pled guilty on April 11, 2014. He received a seven-month prison sentence.

United States v. Park (S.D.N.Y)

Relevant Charges: On May 15, 2006, a federal grand jury in the Southern District of New York indicted Tongsun Park on Conspiracy to Violate the Foreign Agents Registration Act (18 U.S.C. § 371).

Relevant Background and Conduct:

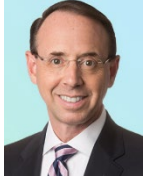
Tongsun Park was a lobbyist. The United Nations imposed sanctions against the Government of Iraq after it invaded Kuwait in 1990. The sanctions prohibited members of the United Nations from trading any Iraqi commodities. The United Nations eventually established a program, the Oil-for-Food Program, that allowed Iraq to sell oil on the condition that the proceeds went only to purchase humanitarian goods for Iraqi people.

A federal grand jury charged Park with conducting a lobbying campaign on behalf of Iraq. The government alleged that Park:

- Lobbied officials of the United States Government and the United Nations to repeal sanctions against the Government of Iraq, and to establish both the Oil-for-Food Program.
- Received direction from Iraq in his influence campaign.
- Received payments by Iraq for his efforts.

Resolution: A jury found Park guilty on July 13, 2006. He received a 60-month sentence.

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