



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, D.C. 20530

December 7, 2017

Via FedEx

Andrew Hruska, Esq.
King & Spalding LLC
1185 Avenue of the Americas
New York, New York 10036

Re: Obligation to Register Pursuant to the Foreign Agents Registration Act

Dear Mr. Hruska:

I am writing in reference to your letter of November 24, 2017 to Iris Lan, Associate Deputy Attorney General of the United States, in which you stated that you represent the government of Turkey ("Turkey") "in connection with U.S. sanctions matters," and that your client had asked you "to persuade the Department [of Justice]" ("DOJ") to take certain action relating to Iran and a pending criminal trial in the Southern District of New York, namely, *United States v. Zarrab*, 15 Cr. 867 (RMB). Your letter, and related communications you had with the U.S. Attorney's Office for the Southern District of New York ("SDNY"), raise the question whether you and your law firm have obligations to register under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* ("FARA" or the "Act").

The purpose of FARA is to inform the American public of the activities of foreign agents working for foreign principals to influence U.S. government officials and/or the American public with reference to the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a foreign country or foreign political party. An "agent of a foreign principal" is defined, in pertinent part, as "any person who acts . . . at the order, request, or under the direction or control of a foreign principal . . . and who directly or through another person—(i) engages within the United States in political activities for or in the interests of such foreign principal . . . or (iv) within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States." 22 U.S.C. § 611(c)(1)(i) & (iv). The term "foreign principal" includes "a government of a foreign country." *Id.* § 611(b)(1).

In your November 24, 2017 letter, you advised that you were seeking to persuade DOJ "to join with Turkish law enforcement agencies to plan an effective campaign against Iranians and Iranian-owned entities using Turkey to thwart U.S. enforcement of the sanctions regime." In apparent exchange for enhanced cooperation by Turkey regarding enforcement of sanctions against Iran, and in connection with what you described as "significant issues about the source and accuracy of evidence to be introduced" by the government in the trial of defendant Mehmet

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Hakan Atilla, you requested a continuance of Atilla's trial on behalf of Turkey. On its face, the letter was intended to influence DOJ officials with reference to the foreign policy of the United States and its political and public relations with Turkey, to wit, U.S.-Turkey law enforcement cooperation concerning sanctions on Iran. Therefore, sending the letter qualifies as "political activity" under FARA.

Based on your letter, and similar communications you had with SDNY, we believe that both you and King & Spalding have an obligation to register under FARA unless an exemption applies. We have considered the exemption in 22 U.S.C. § 613(g) for:

"[a]ny person qualified to practice law, insofar as he engages or agrees to engage in the legal representation of a disclosed foreign principal before any court of law or any agency of the Government of the United States: *Provided*, That for the purposes of this subsection legal representation does not include attempts to influence or persuade agency personnel or officials other than in the course of judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record."

We believe that neither you nor your firm qualify for this exemption, because your attempts to influence or persuade DOJ officials described above were not in the course of criminal or civil law enforcement inquiries, investigations, or judicial proceedings. Your client, Turkey, is not a party to the *Zarrab* matter, and your attempts to influence concerned foreign policy and relations matters well-beyond the scope of that criminal case.

In conclusion, we believe that you and your firm are required to register pursuant to FARA. Please effect this registration, filing any necessary short form registration statements, within thirty (30) days of the date of this letter. If you have any questions or wish to meet with us regarding our determination, please contact (b) (6), (b) (7)(C) by telephone at (202) 233-0776 or by email to FARA.public@usdoj.gov.

Sincerely,

(b)(6)

Heather H. Hunt
Chief
FARA Registration Unit