

## The swampy business of lobbying for foreign governments (*The Economist*) (English I Honors)

Required Annotations		Student-Created Annotations		Summary / Questions / Reflection	
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THE legal woes of Nisar Chaudhry, a 71-year-old Pakistani national living in Maryland, would be otherwise forgettable. But Mr Chaudry, who as self-appointed president of the Pakistan American League had tried to parlay his title into political influence on behalf of the Pakistani government, pleaded guilty to a rare sort of crime: failing to register as a foreign agent. That was precisely the crime that Paul Manafort, President Donald Trump's disgraced former campaign-manager, pleaded guilty to on September 14th. Many have focused on what Mr Manafort, who was convicted on eight counts of financial crimes in a separate trial in August, might tell Robert Mueller, the special counsel investigating the Trump campaign's possible **collusion** with Russia. Of that, much is speculated, but little is known.

Yet the nature of Mr Manafort's crimes has also shed light on unregistered foreign lobbying, the murkiest part of a swampy industry. The scheme, detailed in Mr Manafort's guilty plea, was to funnel \$11m over a decade into America to fund lobbying efforts for Viktor Yanukovich, the pro-Russian former prime minister of Ukraine. He worked to plant stories unfavourable to Yulia Tymoshenko, a political rival of Mr Yanukovich, and arranged for a "Hapsburg Group", made up of four former heads of European states, to lobby on behalf of the Ukrainian government. One of them managed to lobby Barack Obama and Joe Biden directly in the Oval Office.

The number of unregistered foreign lobbying schemes currently in effect is unknown. According to a tally from the Centre for Responsive Politics, a watchdog group, foreign governments have declared \$532m of spending on lobbyists and communications experts to influence American policy since 2017. Experts reckon that the undeclared amount is at least twice as large. "My joke is that it's like seeing a mouse. For every one, there are five others in the house," says Ben Freeman, director of the Foreign Influence Transparency Initiative at the Centre for International Policy, a think-tank.

The principal defence against secret foreign influence over American politics is the Foreign Agents Registration Act (FARA). It is a rickety piece of legislation, constructed in 1938 to combat Nazi propaganda. It explicitly mentions typewriters, parchment paper and the copying press—the technology to duplicate papers that George Washington used. Worse, it is extremely vague, and could potentially sweep all sorts of harmless behaviour into illegality. For much of its existence FARA has been ignored, because it requires lots of pesky paperwork and the Department of Justice (DoJ) did not care much. Between 1966 and 2015 the agency brought only seven criminal cases for violations. Then Mr Mueller made it great again, charging senior Trump associates like Mr Manafort, Rick Gates, the campaign's deputy chairman, and Michael Flynn, the president's short-lived national security adviser. New registrations have nearly doubled, from 550 in 2016 to an estimated 920 this year.

### Ukraine-drain

Few attempts at disclosed foreign lobbying are as **brazen** as Mr Manafort's undisclosed venture was. More often they reside in the murky exemptions provided in FARA. One is for people solely engaged in "**bona-fide** religious, scholastic, academic or scientific pursuits". How bona-fide

scholarship differs from political activity is unclear in the **statute** and barely considered in the case law. Many institutions tread this blurry line. Confucius Institutes, centres for Chinese language instruction overseen by the Chinese Ministry of Education, established at many universities worldwide, have been criticised as propaganda outlets. A Korean-funded think-tank at Johns Hopkins University closed in May; the South Korean government withdrew funds after officials reportedly tried to fire the director over a difference of opinion.

Think-tanks can also serve as **vehicles** for influence-peddling. Prominent think-tanks, like Brookings and the Centre for Strategic and International Studies, have been embarrassed after revelations that they accepted millions of dollars from foreign governments while also producing seemingly objective research on subjects dear to them. Lesser-known outfits can project more seriousness than an out-and-out lobbyist. The Arabia Foundation, a recently founded think-tank often quoted in American media, is thought to be close to the Saudi government. Ali Shihabi, the founder, says the think-tank is funded by private Saudi citizens and that “we are not involved in any manner of lobbying”.

Another think-tank, the National Council on US-Arab Relations, retains an international fellow named Fahad Nazer who has written for prominent think-tanks and newspapers. A filing to the DoJ made by Mr Nazeer shows that he became a paid consultant to the Saudi Arabian embassy in November 2016, receiving a salary of \$7,000 a month. The think-tank at which Mr Nazer is a fellow declined to comment on the arrangement; Mr Nazer says he complies with all the laws and regulations, and is careful to mention his deal with the Saudi embassy in media appearances.

Rather than pursuing think-tanks, the DoJ has focused its attention on government-funded news agencies. After a protracted battle, RT, a television network funded by the Russian government, was made to register as a foreign agent in November 2017. On September 18th the Wall Street Journal reported that the DoJ had ordered Xinhua and CGTN, two Chinese-run media outlets, to register as foreign agents. But the legal argument that compels RT to register as a foreign agent but not the BBC, which is funded by a tax, is mysterious. Decisions over who or what is subject to FARA seems largely at the discretion of the government’s lawyers. In 1983 the DoJ designated three films distributed by the National Film Board of Canada on the threats of acid rain and nuclear war as “political propaganda”.

Whatever the inadequacies of Mr Mueller’s quirky **prosecutorial cudgel**, it is clear that Mr Manafort is not the hapless victim of a bad law. His scheme would be the ideal target of any law designed to combat foreign influence. He was also convicted of a host of more humdrum tax-fraud crimes. If some of Washington’s numerous “strategic consultants” are scurrying to declare themselves foreign lobbyists, then that seems a good outcome. But in the age of Twitter bots, American policymaking and elections may be defended from foreign influences only by completely rewriting FARA. The new law should probably devote as much space to computers as to parchment.

Write a summary of the article in the space below. Remember: a summary touches on the main points of an article; it does not include all the details.