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December 19, 1972

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MEMORANDUM TO MESSRS. WILLENS AND LAPIN

FROM: Barry Carter

The issue: Should Howard Willens in his capacity as counsel to the Marianas Political Status Commission register as a foreign agent under the Foreign Agents' Registration Act of 1938, as Amended?

The Foreign Agents Registration Act of 1938, 22 USC § 611-621, says that no person can act as the agent of a foreign principal unless he has registered with the Attorney General or unless he is exempt from registration under the provisions of the Act. The failure to register, if it is required, results in criminal penalties. (See Section 618.)

The research on whether Willens must or should register is still unfinished. This memorandum is designed to provide the initial results. Specifically, it discusses the legal arguments, some tactical considerations, and suggests the next steps which might be taken.

I. Legal Discussion

A. Definition of "Foreign Country." Whether Willens will be an agent for a foreign principal seems to turn on the definition of "foreign country" or "foreign political party." (See Section 611.) Section 611 (b) says that the term "foreign principal" includes: