

The analogy of the Federal Tort Claims Act seems limited. The courts have traditionally protected the government against tort claims and consequently are careful to read a narrow coverage into the law. In contrast, there are competing objectives in the Foreign Agents Registration Act. While the courts have been traditionally concerned about national security, there has also been a concern not to hinder international communication and commerce. The Congressional debates in 1966 reflected these conflicting objectives as did some of the legislation.

Even if the Marianas might be considered a foreign country and the Marianas Political Status Commission is considered a foreign political party or the government of the country, there is still a question whether Willens has to register as an agent of a foreign principal. Section 613(g) provides an exception for lawyers:

"(g) Any 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 established agency proceedings, whether formal or informal."