

Congress of the United States
Washington, DC 20510

June 18, 2019

VIA ELECTRONIC TRANSMISSION

The Honorable William Barr
Attorney General
United States Department of Justice
Washington, D.C. 20220

Dear Attorney General Barr:

For several years, in both the Obama and Trump administrations, Congress has conducted oversight of the Justice Department’s lax and selective enforcement of the Foreign Agents Registration Act (FARA).¹ FARA is an important statute that was designed not to prohibit activity but rather to require individuals to register with the DOJ if they are acting as an agent of a foreign government or enterprise to influence U.S. policy or public opinion. This helps ensure transparency and accountability in the public policy arena. In that sense, FARA is a content-neutral regulatory scheme that would not require any entity or individual to refrain from certain types of speech.

FARA continues to be very relevant. For example, news articles have reported activities in which Al Jazeera Media Network (Al Jazeera) is engaged that raise legitimate questions about whether it should register as a foreign agent. Al Jazeera is a global organization spanning dozens of countries, including the United States, and reaches hundreds of millions of people worldwide. In 2016, its off-shoot, Al Jazeera America, closed. However, Al Jazeera expanded its digital presence via Al Jazeera Plus (AJ+), its online news channel which is headquartered in the United States. As of May 2019, AJ+ had 11.1 million cumulative followers and subscribers on Facebook.² In that same month, AJ+ was the fortieth ranked “overall creator” of content cross-platform.³ By comparison, in May 2019 the Washington Post had 6.3 million cumulative followers and subscribers on Facebook and was the one-hundredth ranked “overall creator” of

¹ The FARA requires individuals to register with the Department of Justice (DOJ) if they act, even through an intermediary, “as an agent, representative, employee, or servant” or “in any other capacity” at the behest of a foreign principal, including a foreign political party, government, or corporation, for purposes of engagement with a United States official to influence U.S. policy or the public. The registration applies to anyone who attempts to influence a U.S. government official on behalf of a foreign principal in an effort to “formulat[e], adopt[,], or chang[e] the domestic or foreign policies of the United States.” Likewise, an individual whose activities are subject to registration under FARA and who sends informational material “for or in the interest of [a] foreign principal” with the intent or belief that such material will be circulated among at least two persons must transmit the material to the Attorney General no later than 48 hours after actual transmission. Notably, an ongoing failure to register with the DOJ is a continuing offense. 22 U.S.C. § 611 – Definitions: The term “foreign principal” includes - (1) a government of a foreign country and a foreign political party; (2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

² Tubular Labs, AJ+, <https://tubularlabs.com/creator/Iwh57miuVY/AJ+> (last visited June 14, 2019).

³ *Id.*

content cross-platform.⁴ Clearly, Al Jazeera has established and is building a significant reach within the United States.⁵

Al Jazeera was founded by Qatari charter in 1996.⁶ It is a state-owned enterprise, and the Qatari government has provided the majority of its funding.⁷ Al Jazeera's videos on YouTube are stamped with the disclaimer, "Al Jazeera is funded in whole or in part by the Qatari government." Thus, Al Jazeera is not only a foreign principal but it is also owned by a foreign principal – the government of Qatar. Several members of the ruling family of Qatar have held senior positions at Al Jazeera: Sheikh Hamad bin Thamer Al-Thani, a member of the ruling family of Qatar, is the Chairman of Al Jazeera;⁸ Sheikh Abdulrahman bin Hamad bin Jassim bin Hamad Al-Thani is the CEO of Qatar Media Corporation and a Board Member of Al Jazeera;⁹ Sheikh Ahmed bin Jassim Al-Thani served as the Director General of Al Jazeera from 2011 until June 2013.¹⁰ Given that members of the ruling family are in charge of managing the media network, it is more likely than not that the government can and will assert editorial control over media content.

There is evidence that this is the case. The network frequently features content promoting the apparent policy priorities of its owner. For example, the Qatari government reportedly supports the Muslim Brotherhood, and Al Jazeera has reportedly featured that organization in a moderate light and described it as one that can "foster regional stability."¹¹ In addition, Qatar has not only allowed U.S. State Department-designated terrorist organizations such as Hamas to operate within the country but also has regularly hosted Hamas supporters and its leaders on Al Jazeera.¹² News articles have reported that Al Jazeera "conducted a months-long spy operation on a slew of American pro-Israel officials" for a documentary on alleged Jewish influence on the U.S. Government.¹³ Multiple videos on AJ+ appear to support anti-Israeli and anti-American positions. Qatar's officials have said that government-controlled media is a form of "soft power."¹⁴ As such, one can reasonably infer that Al Jazeera is a messaging tool for the Qatari government, and, on its behalf, has engaged in inherently political activities and sought to influence public opinion in the United States.

Mohamed Fahmy, a former Al Jazeera English Egypt bureau chief who was jailed due to his affiliation with the network and ultimately pardoned by Egyptian authorities, has spoken out

⁴ Tubular Labs, *Washington Post*, <https://tubularlabs.com/creator/pJrnOWDIB4/Washington-Post> (last visited June 14, 2019).

⁵ According to an estimate by Amazon, during a 30 day period in May and June 2019, [aljazeera.com](https://www.alexa.com/siteinfo/aljazeera.com) had over 2.5 million unique visitors, 33.4% of whom were from the United States. Available at <https://www.alexa.com/siteinfo/aljazeera.com> (last visited June 18, 2019). See also, Nick Vivarelli, "New Al Jazeera Digital Division Chief on How Facebook, Google, Control News (Exclusive)" *Variety* (July 1, 2016), available at <https://variety.com/2016/digital/global/new-al-jazeera-digital-division-chief-on-how-facebook-google-control-news-exclusive-1201806421/> (last accessed June 18, 2019).

⁶ Christopher M. Blanchard, *Qatar: Background and U.S. Relations*, CRS at 19 (June 6, 2012).

⁷ *Id.*

⁸ Al Jazeera Media Network, *Sheikh Hamad bin Thamer Al Thani: Chairman of Board of Directors*, <https://network.aljazeera.com/about-us/management-profiles/sheikh-hamad-bin-thamer-al-thani>.

⁹ Doha Film Institute, *Doha Film Institute Announces Board of Trustees* (Nov. 29, 2016), <http://www.dohafilminstitute.com/press/doha-film-institute-announces-board-of-trustees>.

¹⁰ *The Business Year, Optimal & Prime* (2015), <https://www.thebusinessyear.com/qatar-2015/optimal-prime/interview>.

¹¹ Kenneth Katzman, *Qatar: Governance, Security, and U.S. Policy*, CRS at 11 (March 1, 2018).

¹² *Id.* at 16.

¹³ Adam Kredo, *Qatar-Backed Spy Operation on U.S. Jews Put Al Jazeera in Congressional Crosshairs*, *Washington Free Beacon* (February 13, 2018).

¹⁴ Ministry of Foreign Affairs, *Al Diplomacy*, Issue 37 at 37 (December 2017), available at <https://en.calameo.com/read/0051217641e12ed91c1e0>.

about the close relationship between Al Jazeera and the Qatari regime. According to Fahmy, “The more the network coordinated and takes directions from the [Qatar] government, the more it becomes a mouthpiece for Qatari intelligence.”¹⁵ Regarding Al Jazeera English, Fahmy has noted that contrary to his expectations before he was hired, the network “coordinated and took directives from Qatar’s government. This reflected on even us the English reporters and we had some of the best...”¹⁶

When the available evidence is taken as a whole, it appears that Al Jazeera’s broadcasts, including AJ+, mirror the policies and preferences of the Qatari government, which, together with the state funding and other indicia of agency, demonstrate that Al Jazeera and its media subsidiaries act as alter egos of the Qatari government in ensuring dissemination of the government’s viewpoints.

In addition to Al Jazeera seemingly operating as an agent of the Qatari government, its potential obligation to register under FARA may be triggered by two other provisions in the statute. First, because it produces and distributes content and secures access within the United States, it has arguably “engage[d] directly or indirectly in the ... dissemination of ... broadcasts,” and therefore may have served as a “publicity agent.”¹⁷ Second, because its programming concerned “conditions” of a foreign government or “foreign country,” including but not limited to Qatar, Al Jazeera may have served as an “information-service employee” by “furnishing, disseminating, or publishing” its programs.¹⁸

Similarly, on November 13, 2017, DOJ’s National Security Division announced that it required T&R Productions, LLC to register under FARA as an agent for ANO TV-Novosti, the “Russian government entity responsible for the worldwide broadcasts of the RT Network” and on December 11, 2017, RTTV America registered as well.¹⁹ Reportedly, DOJ has required the same of Xinhua News Agency and China Global Television Network.²⁰ In a press release regarding RT, DOJ said the following:

Americans have a right to know who is acting in the United States to influence the U.S. government or public on behalf of foreign principals. The Department of Justice is committed to enforcing FARA and expects compliance with the law by all entities engaged in specified activities on behalf of any foreign principal, regardless of its nationality.²¹

Further, that same press release said:

¹⁵ Frantzman, Seth J. “A Weapon against Its Neighbors’: Former Al Jazeera Bureau Chief Speaks out against Network.” The Jerusalem Post (Aug. 24, 2017), <http://www.jpost.com/Middle-East/A-weapon-against-its-neighbors-former-Al-Jazeera-bureau-chief-speaks-out-against-network-503206>.

¹⁶ *Id.*

¹⁷ 22 U.S.C. § 611(h).

¹⁸ 22 U.S.C. § 611(i).

¹⁹ Department of Justice Press Release, *Production Company Registers Under the Foreign Agent Registration Act as Agent for the Russian Government Entity Responsible for Broadcasting RT* (November 13, 2017).

²⁰ Kate O’Keeffe and Aruna Viswanatha, *Justice Department Has Ordered Key Chinese State Media Firms to Register as Foreign Agents*, Wall Street Journal (Sept. 18, 2018).

²¹ Department of Justice Press Release, *Production Company Registers Under the Foreign Agent Registration Act as Agent for the Russian Government Entity Responsible for Broadcasting RT* (November 13, 2017).

Congress passed FARA in 1938, intending to ensure that the American public and our lawmakers know the source of information that is provided at the behest of a foreign principal, where that information may be intended to influence U.S. public opinion, policy and laws.²²

Those statements apply equally to Al Jazeera, which is controlled by a foreign government, receives financial support therefrom, and engages in activity to influence the U.S. Government and public on behalf of foreign principals.

In sum, Al Jazeera, to include AJ+, may be obligated to register under FARA because: (1) through its production and distribution of programming in the United States it seeks to “influence...any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States, or with reference to the political or public interests, policies, or relations” of Qatar, for or in the interests of Qatar, and is therefore most likely engaged in “political activities”;²³ and (2) it has acted as an agent for the Qatari government and Al Jazeera Media Network in producing and distributing the content constituting those political activities.²⁴

The American public deserves to know when foreign entities are operating in and attempting to influence U.S. public policy and public opinion. DOJ must explain to Congress and the American people why Al Jazeera and its employees have not been required to register.

Accordingly, please answer the following no later than July 2, 2019:

1. What actions has the DOJ taken to assess whether Al Jazeera or its employees should register under FARA for work on behalf of the Qatari government?
2. Has the DOJ sent a letter of inquiry or letter of determination to Al Jazeera, any of its affiliated entities, or any of its employees? If so, please provide a copy. If not, why not?
3. Under 28 C.F.R. § 5.2, any present or prospective agent of a foreign entity may request an advisory opinion from the Justice Department regarding the need to register. Has Al Jazeera or any of its entities or employees ever requested an opinion in relation to work done on behalf of Qatar? If so, please provide a copy of the request and opinion.
4. Please explain why the DOJ has not required Al Jazeera or its employees to register under FARA.
5. Please provide all prosecutorial memoranda, correspondence between DOJ and Al Jazeera, and all reports and summaries of interviews relating to Al Jazeera and its obligations to register under FARA.

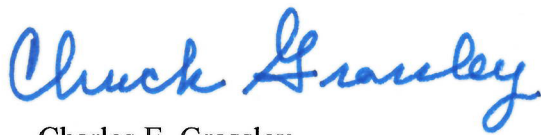
²² *Id.*

²³ 22 U.S.C. § 611(o)

²⁴ Notably, although FARA does provide an exception for “bona fide news or journalistic activities,” 22 U.S.C. § 611(d), that statutory exemption does not apply to Al Jazeera because the media exemption only applies if a media outlet is not “owned, directed, supervised, controlled, subsidized, financed, and none of its policies are determined by any foreign principal.”

Please send all unclassified material directly to the signers of this letter. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the signers, and provide a classified addendum to the Office of Senate Security and Office of House Security. The signers comply with all laws and regulations governing the handling of classified information. The signers are not bound, absent their prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

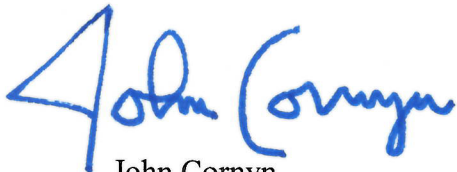
Sincerely,



Charles E. Grassley
Chairman
Senate Finance Committee



Tom Cotton
U.S. Senator



John Cornyn
U.S. Senator



Todd Young
U.S. Senator



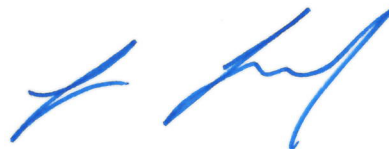
Marco Rubio
U.S. Senator



Ted Cruz
U.S. Senator



Mike Johnson
U.S. Representative



Lee Zeldin
U.S. Representative