



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

OCT 29 2001

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Dear Mr. Leiman:
Leonard M. Leiman, Esquire
Fulbright & Jaworski LLP
666 Fifth Avenue
New York, New York 10103-3198

Dear Mr. Leiman:

This is in reference to your letters of December 4, 2000 and April 25, 2001 on behalf of the World Zionist Organization - American Section, Inc. (WZO-AS), the Jewish Agency - American Section, Inc. (JAAS), and the Jewish Agency for Israel (JAFI). You requested that we review of the applicability of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (FARA or the Act) in light of recent changes in the activities of these organizations and that we consider granting an exemption under Section 613 (e)¹ of FARA. I regret the delay in my response to you.

You indicated that recently JAFI has assumed an increasing role in connection with the activities of the WZO-AS in the United States. The funding source and programmatic responsibility have both shifted to JAFI. You indicated that JAFI is responsible "... for determining the content of the educational and religious programs and the activities related to the promotion and facilitation of Aliyah and encouraging Jews to visit their Biblical homeland in educational programs and learn the Hebrew language, Jewish history, tradition, culture and other Jewish subjects." These activities are conducted by "emissaries" in the United States and are paid by the WZO-AS out of funds received from JAFI.

You argued that the activities of WZO-AS acting as the agent of JAFI should be exempt under Section 3(e) of FARA. You stated that the activities are scholastic and academic since they focus on teaching the Hebrew language, the history, traditions and culture of the Jewish people, and the geography and facts about the Jewish nation. We will not contest that these activities are scholastic and academic.

¹ 22 U.S.C. § 613(e) exempts from the requirements as to registration pursuant to 22 U.S.C. § 612(a), "Any person engaging or agreeing to engage only in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts."

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In addition, you indicated that the WZO-AS is engaged in religious activities in that it teaches Jews about their religion, history, culture and traditions. While we agree that some of the activities of the WZO-AS are clearly religious, we do not agree that they are exclusively religious as required to qualify for the exemption. The promotion of Aliyah, and, as your registration statements indicate, the promotion of Zionism, are "political activities" as defined in Section 611(o) of the Act.² These activities promote the political and public interests, policies, and relations of Israel. Although you state that JAFI is recognized as a charitable organization under Section 501(c)(3) of the Internal Revenue Code, and this does not exempt the organization from registration under FARA. Under FARA any amount of political activity is sufficient to require registration.

Based on the information provided in your letter and in the registration statements filed by WZO-AS, this Department does not agree that WZO-AS acting as the agent of JAFI is exempt under Section 613(e) of FARA. As such, the registration must stand.

If you have any questions, please contact Heather H. Hunt at (202) 514-1216.

Sincerely,

Marshall R. Williams, Chief
Registration Unit
Internal Security Section
Criminal Division

² 22 U.S.C. § 611(o) defines the term "political activities" as any activity that the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of the United States or 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 a government of a foreign political party.