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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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April 22, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Holder:

According to recent news reports, it appears that Mr. Sidney Blumenthal, a self-described “advisor” to the Clinton Foundation,¹ and Mr. John Kornblum, a lawyer working for the opposition party in Georgia, attempted to influence Secretary of State Hillary Clinton, and potentially the President, on behalf of a foreign entity.² News reports indicate that Mr. Kornblum passed along a personal letter to Secretary Clinton via Mr. Blumenthal from Mr. Bidzina Ivanishvili, the leader of the opposition Georgian Dream.³ In that letter, Mr. Ivanishvili requested Secretary Clinton’s support for Georgian Dream, which was opposing the sitting Georgian government in an upcoming election. Notably, the letter states, “Our nation is still controlled by single-party institutions in the hands of a leader who rejects the most basic principle of democracy – that he must someday leave office...” and “[t]he government of Mikheil Saakashvili is using every method available to it to undermine the election process.”

The letter ends with Mr. Ivanishvili asking for Secretary Clinton’s help. “Recent polls suggest that Georgian Dream can make this happen, if the authorities give democracy a chance. You can help by making clear publicly to the current government that you will not tolerate its obvious efforts to undermine the October 1 election.”⁴

¹ Bio, available at <http://authors.simonandschuster.com/Sidney-Blumenthal/453035597>.

² Sam Biddle, *Did Clinton’s Backdoor Advisor Illegally Lobby for Putin Ally?*, GAWKER (March 30, 2015); see also, Jeff Gerth, *Private Emails Reveal Ex-Clinton Aide’s Secret Spy Network*, PROPUBLICA in conjunction with Sam Biddle of GAWKER (March 27, 2015).

³ *Id.*

⁴ *Id.*

Despite these activities and communications, it appears that neither Mr. Kornblum nor Mr. Blumenthal and his associates registered with the Department of Justice (DOJ) under the Foreign Agents Registration Act (FARA) at the time.⁵ Notably, the FARA registration bank contains other individuals acting on behalf of the Georgian Dream.

The FARA statute requires individuals to register with the 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 such as Georgian Dream—for purposes of engagement with a United States official.⁶ The registration requirement 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.”⁷ Likewise, an individual whose activities are subject to registration under FARA and who sends informational material “for or in the interests 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.⁸ Notably, an ongoing failure to register with the DOJ is a continuing offense.⁹

Much like the Lobbying Disclosure Act, FARA promotes a fundamental public interest in openness and transparency in policymaking.¹⁰ FARA registrants, for example, must disclose substantial business and financial information and make that information available for inspection.¹¹ The behavior of Mr. Blumenthal and Mr. Kornblum, as detailed in the above news accounts, appears to fall within the category of activities covered by the statute. At the very least, these individuals’ multiple reported transmittals to the Secretary of State on behalf of foreign entities are plainly the types of activities Congress intended to reach.

Accordingly, please provide the following:

1. Prior to this letter, was the DOJ aware of Mr. Blumenthal’s and Mr. Kornblum’s communications to Secretary Clinton regarding the Georgian Dream, its leaders and affiliated personnel? If so, when and how did the DOJ become aware?
2. Have Mr. Blumenthal and/or Mr. Kornblum been registered with the DOJ under FARA at any time?

⁵ 22 U.S.C. § 611 *et seq.*

⁶ 22 U.S.C. §§ 611(b)-(c).

⁷ 22 U.S.C. § 611(o).

⁸ 22 U.S.C. § 614(a).

⁹ 22 U.S.C. § 618(e).

¹⁰ H.R. Rep. 104-339(I) at 5-6 (1995).

¹¹ 22 U.S.C. §§ 612, 615.

3. Is the DOJ currently investigating this matter? If not, does DOJ plan to do so?
4. How many FARA investigations has DOJ opened and closed in each of the past 10 years?
5. How many prosecutions resulted from those investigations in each of the last 10 years? How many resulted in a conviction or guilty plea, and what sentences were imposed for each successful prosecution?
6. Currently, how many FARA investigations are ongoing?

In addition to written responses to the above questions, we request an immediate briefing on this subject matter. Thank you in advance for your cooperation with this request. Please respond no later than May 12, 2015. If you have questions, contact Josh Flynn-Brown of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary