



U.S. Department of Justice

National Security Division

Communications and Export Control Section

Washington, D.C. 20530

March 31, 2017

By RedEx

Melissa L. Laurenza, Esq.
Akin Gump Strauss Hauer & Feld LLP
Robert S. Strauss Building
1333 New Hampshire Avenue, NW
Washington, DC 20036-1564

Re: DMP International, LLC
Paul J. Manafort, Jr.
Richard W. Gates

Dear Ms. Laurenza:

This is in reference to your letters of October 18, 2016, November 23, 2016, and February 10, 2017, in response to our letter of September 13, 2016, as well as to our telephone conversation of January 4, 2017, regarding DMP International, LLC ("DMP"), DMP's principal, Paul J. Manafort, Jr., and DMP employee, Richard W. Gates, and their possible obligations to register under the Foreign Agents Registration Act, 22 U.S.C. § 611 *et seq.* ("FARA" or the "Act") in connection with their activities within the United States on behalf of the European Centre for a Modern Ukraine ("ECFMU"), the Ukrainian government, and/or the Party of Regions.

In response to our request for information, including "a description of the activities, if any, [your clients] have engaged in or the services, if any, [your clients] have provided to the ECFMU, the Ukrainian government, [or] any Ukrainian political party," you indicated that there was no "agreement [by DMP, Manafort, or Gates] to provide services to the ECFMU" and that your clients "were not counterparties to any service agreement" with the ECFMU, but you did not elaborate further on your clients' activities because of the unavailability of email records.¹ Based upon information we obtained from other sources, however,² we have determined that Mr.

¹ Letter from Melissa Laurenza to Heather Hunt, at 1 (Nov. 23, 2016). In your letter of February 10, 2017, you stated that "DMP's Email Retention Policy does not retain communications beyond thirty days, and the information that would be contained in such correspondence is vital to refreshing recollections regarding [the matters at issue]." Letter from Melissa Laurenza to Heather Hunt, at 3 (Feb. 10, 2017).

² This information includes: (1) Letter from Matthew Sanderson, Esq., Caplin & Drysdale, Counsel for the Podesta Group, to Heather Hunt (Nov. 14, 2016); (2) Letter from Kenneth Gross and Tyler Rosen, Esqs., Skadden, Arps, Slate, Meagher & Flom, LLP, Counsel for Mercury Public Affairs, to Heather Hunt (Oct. 5, 2016) ("Letter from Gross"); and (3) Email from the Podesta Group PR Team to Rick Gates, "ECFMU Public Relations - The

Manafort and Mr. Gates (if not DMP) each has an obligation to register under FARA, arising from their political activities undertaken within the United States on behalf of the ECFMU, the Ukrainian government, and/or the Party of Regions, all foreign principals under FARA. We also note that our ability at this time to present an even more detailed recitation of your clients' activities has been hampered by the lack of additional information from your clients.

The purpose of FARA is to inform the American public of the activities of foreign agents working for foreign principals to influence U.S. government officials and/or the American public with reference to the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a foreign country or foreign political party. An "agent of a foreign principal" is defined, in pertinent part, as "any person who acts . . . at the order, request, or under the direction or control of a foreign principal . . . and who directly or through another person . . . engages within the United States in political activities for or in the interests of such foreign principal." 22 U.S.C. § 611(c)(1)(i). The term "political activities" is defined in 22 U.S.C. § 611(o) 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 country or foreign political party." The term "foreign principal" includes "a government of a foreign country and a foreign political party, any person outside the United States . . . and 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." 22 U.S.C. § 611(b).

Richard W. Gates

Information that we have obtained indicates that Mr. Gates coordinated a public relations campaign within the United States to promote the political and public interests of Ukraine. Specifically, he coordinated the work of the Podesta Group ("Podesta") and Mercury Public Affairs ("Mercury") in connection with contractual relationships each firm had with the ECFMU.³ Mr. Gates worked actively with Mercury on the ECFMU campaign and frequently participated in weekly calls with ECFMU Executive Director Ms. Ina Kirsch as well as with representatives of Podesta.⁴ As a coordinator for Mercury and Podesta in their work for ECFMU, Mr. Gates held himself out as working on behalf of the ECFMU.

Next 90 Days" 1 (Mar. 22, 2013) (hereinafter the "Podesta PR Team Email"). These items are among the documents provided by the Podesta Group in response to a letter from Heather Hunt to the Podesta Group dated September, 1, 2016.

³ See Letter from Gross at 2.

⁴ *Id.* Documents referencing such activities include, but are not limited to, the Podesta PR Team Email, as well as the extensive meeting schedule and materials prepared for the visit to the United States of (b) (6), (b) (7) a member of the Verkhovna Rada (the Ukrainian parliament), on May 8-9, 2013, and (b) (6), planned meetings with members of Congress, Department of State officials, business officials, and NC (b) (6) and "thought leaders."

The purpose of the ECFMU's contractual engagements with Podesta and Mercury⁵ was to improve ties between Ukraine and the West with the ultimate goal of Ukrainian admission to the European Union and alignment with other Western institutions. The ECFMU acted as an intermediary between Ukraine and the West to promote Ukraine's political and economic interests. Mr. Gates' political activities included coordinating meetings with U.S. Government officials, members of the U.S. media, and U.S. business leaders in an effort to promote Ukrainian public and political interests.⁶ Toward that end, Mr. Gates coordinated press interviews and congressional meetings for Ukrainian government officials, and secured opinion editorials, published in U.S. media outlets, from recognized "thought leaders" in the United States.⁷ In addition, he sought to build support for Ukraine in various business communities in the United States and Europe to bolster political and economic support for Ukraine.⁸

Mr. Gates must register under FARA because his activities constituted "political activities" as defined under the Act, and were conducted at the request of or under the direction or control of a foreign principal—the ECFMU, the government of Ukraine, and/or the Party of Regions—in furtherance of, and for the purpose of, influencing U.S. government officials, and sections of the public within the United States, with reference to the political or public interests, policies, or relations of a foreign government or foreign political party.

Paul J. Manafort, Jr.

Information that we have obtained indicates that Mr. Manafort was part of the Podesta and Mercury lobbying and public relations campaigns for Ukraine in the United States, the goal of which was to promote the political and public interests of Ukraine.⁹ As part of the lobbying team,¹⁰ Mr. Manafort used his depth of knowledge and experience with Ukraine and the Party of Regions¹¹ to influence U.S. Government officials and sections of the public within the United States on matters pertaining to the political and economic interests of Ukraine. Emails and other documents indicate that Mr. Manafort provided overall direction of the U.S. lobbying and public relations campaigns for Ukraine,¹² personally discussed those campaigns with the President of

⁵ See Letter from Gross (attaching Engagement Agreement Between Mercury Public Affairs and the ECFMU (Apr. 18, 2012)); Letter from Matthew Sanderson to Heather Hunt (Sept. 30, 2016) (attaching Engagement Agreement Between the Podesta Group and the ECFMU (Apr. 18, 2012)).

⁶ Podesta PR Team Email, at 1–2.

⁷ See *id.*

⁸ See *id.* at 2.

⁹ See Memorandum from Mercury/Clark & Weinstock to Rick Gates, "Government Relations Strategy-ECFMU," at 2 (Dec. 14, 2012) (hereinafter "ECFMU Strategy Memorandum").

¹⁰ *Id.*

¹¹ See Letter from Gross at 2.

¹² Email from Rick Gates to Tony Podesta (Feb. 18, 2013) ("Paul is coming to DC tomorrow. He would like to meet with you individually..."); Email from Rick Gates to Tony Podesta and (b) (6), (b) (7) (Sept. 24, 2012) ("I just spoke with Paul. The only key meeting for him with SL is (b) (6). See if you can get this done."); (b) (7)

Ukraine and other Ukrainian government officials,¹³ directed that action be taken in the United States in response to requests by the Ukrainian Government,¹⁴ personally communicated criticism of U.S. policy regarding Ukraine to U.S. Government officials,¹⁵ and agreed in 2012, where Mercury deemed it appropriate, to “join [Mercury’s] lobbying team to engage with Members of Congress and senior Congressional staff”¹⁶ -- all to further the political or public interests of Ukraine and/or the Party of Regions, the principal beneficiaries of his political activities.

Mr. Manafort must register under FARA because his activities constituted “political activities,” as defined under the Act, and were conducted at the request of, or under the direction or control of, a foreign principal—the ECFMU, the government of Ukraine and/or the Party of Regions—in furtherance of, and for the purpose of influencing, U.S. government officials and sections of the public within the United States, with reference to the political or public interests, policies, or relations of a foreign government or foreign political party. While Mr. Manafort’s obligation is based on activities engaged in from at least April 2012 to July 2014, his obligation to register may extend prior to, as well as beyond, these dates.

Email from Paul Manafort to Rick Gates (May 2, 2012) (“We need Mercury and the FH blog ops to attack this [Huffington Post] piece as inaccurate, untrue, and total propaganda. Then we need to start writing blogs... Then we need stories on Europe... I want to go on offense.”); Email from Rick Gates to Vin Weber and Tony Podesta (Apr. 7, 2012) (“Paul will be in DC next week for two days wanted to see if he could sit with just the two of you....”); Email from Rick Gates to Tony Podesta (Feb. 24, 2012) (“I spoke with Paul....”).

¹³ Email from Rick Gates to (b) (6), (b) (7)(C) and Tony Podesta (March 3, 2013) (“Paul is meeting with the President early on Tuesday Kyiv time.”); Email from Rick Gates to Tony Podesta (Feb. 18, 2013) (“I will check with Paul. He is getting some pressure from Kyiv on US efforts.”); Email from Rick Gates to Tony Podesta [and others] (Nov. 9, 2012) (“I would like to do a brief call with this group today to discuss items regarding our plan moving forward. Paul is meeting with the President on Monday to discuss this topic.”).

¹⁴ Email from Rick Gates to (b) (6), (b) (7) (Jan. 13, 2013) (concerning “a fairly unpleasant email from Paul” regarding the status of [a letter from a Member of Congress], for which Manafort sought an update prior to a meeting the next day with the President of Ukraine); Email from Rick Gates to Vin Weber and Tony Podesta (Aug. 10, 2012) (“Paul met with the big guy yesterday and we have some special requests....”).

¹⁵ Email from Paul Manafort to John Tefft, U.S. Ambassador to Ukraine (Oct. 30, 2012) (“The Dept[.] of State statement on the election is an insult to the people of Ukraine and those people in the Government who are working so hard to bring democracy to Ukraine....”).

¹⁶ ECFMU Strategy Memorandum, at 2–3.

Useful information and forms needed for registration may be found on our website at <https://www.fara.gov>. Mr. Gates and Mr. Manafort should effect their registration under FARA within thirty (30) days of the date of this letter. If the activity was conducted through DMP, then the firm should also register. If you have any questions or wish to meet with us regarding our determination, please contact me by telephone at (202) 233-0776 or by email to FARA.public@usdoj.gov.

Sincerely,

b(6)

Heather H. Hunt
Chief, FARA Registration Unit