

Z-ca Szefa Sztabu N.W.
w Washingtonie

TAJNE

L.dz.710/44

dn. 3.XI.44 r.

1120

Kierownik "Estezet"

w New Yorku

W związku z pismem Konsulatu Generalnego w New Yorku do Ambasady R.P. w Washingtonie /R 757-a z dnia 6 września 1944 r./ Z-ca SSNW polecił podać opinię Pana Majora co do ewentualnej rejestracji personelu wymienionego w załączniku do R 757-a, str. 2 "Lista osób Biura Mjr. Chodackiego", L.p.2, 3,4,5.

Zdaniem referenta tej sprawy w Ambasadzie R.P., jest raczej wskazane pozostawienie wymienionych osób na liście Konsulatu R.P. w New Yorku, niż przeniesienie do biura Z-cy SSNW które nie jest instytucją permanentną. Stanowisko powyższe Z-ca SSNW podziela. W załączeniu odpis noty Departamentu Stanu.

Oficer do Zleceń Z-cy SSNW

z/r

J. Jędrzejewski

Jędrzejewski
mjr.dypl.

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Wpływ dn. 6.XI.1944
L. dz. 1120/44
Przydział 9.A

The Secretary of State presents his compliments to Their Excellencies and Messieurs the Chiefs of Mission and has the honor to refer to the Department's circular notes of July 2, 1942 and January 18, 1943 relating to the rules and regulations prescribed by the Attorney General under The Foreign Agents Registration Act of 1938, As Amended.

The Department of Justice has called the attention of this Department to the misunderstanding which appears to exist among officials of many of the diplomatic missions with respect to what is required of them under the terms of the Foreign Agents Registration Act, and has requested that the missions be informed of the following:

1. Attorneys who render legal services or advice to officials of diplomatic missions are regarded as subject to the requirements of the Foreign Agents Registration Act, except where such services or advice pertains solely to the private rights or interests of citizens or residents of the country represented by the Mission. Thus, all attorneys for foreign embassies, legations and consulates who render assistance in matters pertaining to the business or conduct of the foreign government or its diplomatic mission are regarded as subject to the Act, with the exception noted above.

2. Diplomats and consular officials are exempt from compliance with the Act. However, all other officials, employees, agents, and representatives of embassies, legations, consular

offices, whether or not paid for their services, are regarded as subject to compliance with the Act if they are engaged in intelligence, cultural, informational, or political activities of any character. Persons engaged in informational or cultural activities would include persons who maintain contact with the press, the public, or with American cultural, political, or other organizations, or who are engaged in matters pertaining to the planning, preparation or dissemination of information intended to be conveyed directly or indirectly to the public. The fact that the official, employee, agent or representative has filed a Foreign Official Status Notification with the Department of State does not relieve him from compliance with the Foreign Agents Registration Act if he is engaged in any of the types of activities described above.

3. The conception of "agency" adopted by the United States Congress under the Foreign Agents Registration Act is much broader than the usual conception of an agency in law. Thus, a person, publication, or organization which receives compensation, contributions, loans, or anything of value from a foreign government or official is regarded as an "agent", though the person, publication, or organization may be quite autonomous and free from control or direction. At times officials of diplomatic missions have been paying funds to individuals, publications and organizations as subventions, grants, compensations, salaries and otherwise without determining whether the recipient is subject to the Registration Act, and in most such instances the activities engaged in by the

recipient of the funds are of a type which benefit the foreign government in one way or another. In such cases compliance with the Act is required whether or not the activities performed are in return for the payment received. It would be helpful if steps would be taken by the diplomatic missions in cases of payment of such amounts to determine, upon application to the Department of Justice, whether compliance with the Registration Act may be necessary.

4. In cases where doubt exists with regard to the application of the provisions of the Act and the rules and regulations issued thereunder, the Attorney General will be glad, upon receipt of full particulars, to give careful consideration to the question of whether registration would appear to be required.

In order to ensure that the requirements of the Registration Act are being applied equally to each of the diplomatic missions, the Department would appreciate receiving, for transmission to the Department of Justice, assurances from the head of each of the missions that in the light of these explanations all officials, employees, agents and representatives coming within the categories outlined are, so far as he can determine, complying with the requirements of the Act.

Department of State,

Washington, August 9, 1944.

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