



U.S. Department of Justice

Criminal Division

Washington, DC 20530

January 20, 1984

[addressee deleted]

Re: [text deleted]

Gentlemen:

Reference is made to your letter dated November 1, 1983 wherein you expressed the opinion that you may qualify for an exemption from the registration requirements of the Foreign Agents Registration Act of 1938, as amended, a copy of which is enclosed for reference.

Your advertising services on behalf of [foreign government tourist bureau] bring you within the purview of the Act as set forth under Section 1(c)(1)(ii). Section 1(h) states that the term "publicity agent" includes any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or otherwise.

In order to qualify for a commercial exemption, your activities must be both private and nonpolitical. Promoting tourism on behalf of [foreign government] through advertisements cannot be construed as private and nonpolitical activities. On the contrary, tourism creates an influx of capital and a host of jobs for the indigenous population, both of which are obviously in the political and public interests of [foreign country]. Further, tourism advertisements are technically political propaganda, as that term is defined by Section 1(j) of the Act. The dissemination of political propaganda automatically precludes a commercial exemption. However, for administrative purposes we do not require the labeling of tourism ads as political propaganda.

We trust that the above explains why it will be necessary for you to maintain your registration under the Act.

Sincerely,

Joseph E. Clarkson, Chief
Registration Unit
Internal Security Section

Enclosure