

Questions

The Role of Money in Politics

- The Foreign Agents Registration Act (FARA) was originally enacted in the 1930s to address concerns over the influence of foreign government propaganda in the U.S., including that from Nazi Germany.
- Through its decades-long existence, FARA has remained a public disclosure law and Congress has not prohibited either representation of a foreign interest or the dissemination of foreign propaganda.
- Congress, however has amended FARA to further the purpose of promoting “public transparency of an agents lobbying activities on behalf of foreign clients.
- Recent interest in FARA has been sparked by events surrounding the 2016 Presidential election and the investigation of Special Counsel Robert Mueller.
- Evidence of Russian interface in the election, the lobbying activities of Key Trump campaign officials, and the appointment of individuals to high-ranking cabinet positions has fueled renewed scrutiny of the statute.
- Russian spy Maria Butina has pled guilty to being an unregistered foreign agent who worked to forge relationships with conservative activists and leading republicans in the United States.
- Butina’s case highlights the importance of assuring DOJ has all the tools necessary to properly enforce the regulations set out by the FARA.
- Maria Butina focused her efforts into forging ties with the NATIONAL RIFLE ASSOCIATION, a nonprofit organization that arguably has writing the book on how to circumvent campaign financing rules.
- The NRA is known to run issue ads on politically salient issues that are aligned with the candidate of choice.

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- This practice is not regulated, it is not illegal, but it is happening at the increasing rates amounting to a greater impact in the democratic process.
- H.R. 1 and this hearing is a good foundation for the conversation around campaign financing reform as there is still much ground to cover in that space.
- While I am more inclined to trust that American entities have the best interest of our varied constituencies in mind, I am concerned that, when domestic entities begin to accept money so liberally from none other than hostile foreign governments, our country's democracy begins to vacillate.
- In an inquiry by Senator Wyden from the Senate Finance Committee, the NRA has repeatedly refused to explain how or if they vet donations from shell companies, a known means for Russians to funnel money into the U.S.
- Court filings in the Maria Butina case state that Butina and Alexander Torshin, a former Russian government official who helped direct her activities, then used their NRA connections to get access to GOP Presidential candidates.
- Butina's case exposed how Russia saw the NRA as a key pathway to influencing American politics to the Kremlin's benefit.
- And it has intensified questions about what the gun rights group knew of the Russian effort to shape U.S. policy and whether it faces ongoing legal scrutiny.
- The NRA's interactions with Butina and Torshin came as the group embarked on the unprecedented spending spree to help elect Donald Trump president.
- NRA spending on the 2016 elections surged in every category, with its political action committee and political nonprofit arm together shelling out \$54.4 million.

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- The bulk of the money - \$30 million – went to efforts supporting Trump.
- That is triple the amount the group devoted to electing Republican Mitt Romney in the 2012 presidential race.

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Mr. Adav Noti

Q: How should we be framing the issue of unchecked and untracked funneling of dark money into politically inclined organizations from hostile foreign actors?

Q: What are the greatest problems presented by the current campaign finance framework? Can you speak to ways we can begin to address and fix those problems?

Government Ethics Questions

Ms. Sarah Tuberville

- The complaint SCOTUS often puts forth regarding an ethics code is that the lower court judges (e.g., the Judicial Conference, which codified the model code in 1973) can't tell justices what to do.
- It's true that the Judicial Conference is composed of two dozen district and circuit judges, but Chief Justice Roberts is its presiding officer, so if Roberts plays a role in promulgating a new conduct code, then the concern that "lower judges" are telling SCOTUS what to do is quashed.

Q: H.R. 1 it states that the Judicial Conference "shall issue a code of conduct, which applies to each justice and judge of the United States," does that language presume the Chief Justice of the United States, in his capacity of presiding officer of the Judicial Conference, would work with the other members of the Conference in drafting the ethics code?