

United States Senate
WASHINGTON, DC 20510

COMMITTEES:
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SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND ENTREPRENEURSHIP
SPECIAL COMMITTEE ON AGING

September 18, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Sessions:

I write to encourage the Department of Justice to make a determination on whether former Secretary of State John F. Kerry's actions since leaving office related to the Iran nuclear deal (known formally as the Joint Comprehensive Plan of Action or JCPOA) potentially violate the *Logan Act* (18 U.S.C. § 953) or the *Foreign Agents Registration Act* (22 U.S.C. § 611 et seq.). As you know, the Islamic Republic of Iran remains a U.S.-designated state sponsor of terrorism, and the State Department continues to characterize the regime in Tehran as "the foremost biggest state sponsor of terrorism" in its annual reports on international terror.

Last week, former Secretary Kerry publicly admitted that he has met with Iranian foreign minister Javad Zarif "probably three or four times," including in the United States, since leaving office. This admission confirms the *Boston Globe's* news report of May 4, 2018, that Kerry had "sat down at the United Nations [in New York] with Foreign Minister Javad Zarif to discuss ways of preserving" the JCPOA, and that "[i]t was the second time in about two months that the two had met to strategize over salvaging a deal they spent years negotiating during the Obama administration."

Former Secretary Kerry last week also publicly acknowledged that he had attempted to persuade U.S. Government officials to preserve the JCPOA, saying: "I did have a fairly long conversation with Secretary Pompeo before the Iran decision was made. And I made the argument that I just made to you. I made it very clearly, and it was clear that he disagreed with that approach, or President Trump disagreed." In May 2018, moreover, the *Boston Globe* reported: "Kerry also met last month with German President Frank-Walter Steinmeier, and he's been on the phone with top European Union official Federica Mogherini, according to the source, who spoke on the condition of anonymity to reveal the private meetings. Kerry has also met with French President Emmanuel Macron in both Paris and New York, conversing over the details of sanctions and regional nuclear threats in both French and English." Indeed, a respected foreign policy expert is quoted in the news article as saying: "It is unusual for a former secretary of state to engage in foreign policy like this, as an actual diplomat and quasi-negotiator," and adding: "Of course, former secretaries of state often remain quite engaged with foreign leaders, as they should, but it's rarely so issue-specific, especially when they have just left office."

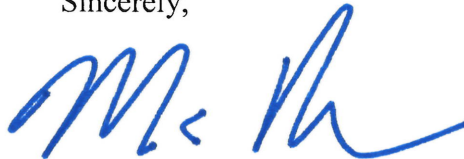
The former secretary of state's various efforts to lobby and unofficially negotiate with officials in the United States and in foreign governments are consistent with the *Boston Globe's* May 2018 news report that Kerry "is coordinating his push with a group of officials who were his top advisers at the State Department, and who helped craft and negotiate the Iran deal in the first place," and that this group "claims to be responsible for 100 news articles, 34 television and radio hits, and 37 opinion pieces on the Iran question. They do fact checks of criticisms of the agreement and blast them out to an e-mail list of nearly 4,000 policy makers and foreign policy experts."

On September 14, 2018, current Secretary of State Mike Pompeo described former Secretary Kerry's meetings with Iranian Government officials in the United States and abroad as "unseemly and unprecedented," and noted Kerry "was talking to them [and] he was telling them to wait out this administration." "I wasn't in the meeting," Secretary Pompeo said, "but I am reasonably confident that he was not there in support of U.S. policy with respect to the Islamic Republic of Iran." Moreover, when a journalist asked former Secretary Kerry during a televised interview last week whether it was accurate that he has been telling officials from Iran and other foreign governments "to wait out President Trump and the Administration and to wait until there is a Democratic president in 2021," Kerry did not deny the assertion and said: "Well, I think everybody in the world is sitting around talking about waiting out President Trump."

As you know, the *Logan Act* is a statute that imposes consequences against any U.S. citizen who, "without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States." And the *Foreign Agents Registration Act*, as described by the Justice Department, is "a disclosure statute that requires persons acting as agents of foreign principals in a political or quasi-political capacity to make periodic public disclosure of their relationship with the foreign principal, as well as activities, receipts and disbursements in support of those activities." The American people deserve to know that U.S. laws are enforced regardless of any individual's past position. The Department of Justice should therefore make a determination on whether or not former Secretary of State John F. Kerry's recent actions related to the Joint Comprehensive Plan of Action with Iran potentially violate the *Logan Act* or the *Foreign Agents Registration Act*.

Thank you for your prompt attention to this matter.

Sincerely,



Marco Rubio
U.S. Senator