

ASSEMBLY
CALIFORNIA LEGISLATURE



SAM BLAKESLEE
ASSEMBLYMEMBER, THIRTY-THIRD DISTRICT

AB 1334 (Blakeslee)
Foreign Lobbying Disclosure

CURRENT PROVISIONS OF THE BILL

Amends the Political Reform Act to clarify that No agent of a foreign principle shall be permitted to lobby in support or opposition to any measure or item before the California state Legislature unless the agent has registered as a lobbyist with the California Secretary of State.

1. Subjects any foreign agent engaged in lobbying to the same registration, disclosure and gift limit requirements and prohibitions imposed upon lobbyists.
2. Provide that the in the event of a violation any of the act's requirements or proscriptions, all representatives of that foreign principal shall be prohibited from entering the State Capitol Building and all other legislative offices for the balance of the legislative session during which the violation occurred.

Proposed amendments: We have a proposed authors amendment as follows:

On page 4, lines 8-17, strike

(3) A person outside the United States, unless it is established that the person is an individual and a citizen of and domiciled within the United States, or that the person is not an individual and is organized under or created by the laws of the United States or of any state or other place subject to the jurisdiction of the United States and has its principal place of business within the United States.

(4) 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.

WHY IS THIS BILL NECESSARY?

Last month, members of the Assembly were aggressively lobbied by the Consulate General of the People's Republic of China in opposition to ACR 6, a resolution by Blakeslee marking Dalai Lama and Tibet Awareness Day.

Representatives of the Chinese Consulate aggressively walked the halls of the State Capitol building, directly lobbying state Legislators to oppose Blakeslee's resolution. Consul General Gao Zhansheng then sent a seven page letter to Legislators on Consulate letterhead formally requesting that members "refrain from supporting the ACR 6 Resolution."

The measure, which had been scheduled for a vote on Monday, March 9th, was pulled from the consent agenda after aggressive lobbying activities by the Chinese government, a vote was blocked and the measure was sent back to the Assembly Rules Committee.

While various federal statutes and congressional rules impose extensive disclosure requirements on lobbying activities by "foreign agents" and "foreign principals" as well as restrictions on foreign nationals making campaign contributions and paying for gifts and travel for federal officials, no such limits on foreign lobbying exist in California law.

The Political Reform Act of 1974 establishes specific registration and disclosure requirements for lobbyists designed to limit the influence of special interest and safeguard the transparency and public accountability of the legislative process. However, the recent success of the Chinese government's campaign to block a vote on ACR 6 revealed a troubling loophole in the Act.

While nearly all foreign governments observe the highly respectful boundaries of diplomatic protocols, the Act can easily be exploited by foreign governments looking to shape legislative outcomes outside the realm of public scrutiny.

AUTHOR'S STATEMENT

"This is not some theoretic issue. Representatives of the Chinese government entered this building and defeated a measure. It's a shocking breach of the sovereignty of this body. The public needs to know that we act solely in their interest, not at the behest of any special interest, foreign or domestic.

The Chinese government is the only special interest I'm aware of that's getting away with organizing overseas junkets, hosting dinners for legislators at the Consulate General's home *and* taking positions on bills without a single disclosure requirement." said Blakeslee. "All special interests should play by the same rules."

BACKGROUND

Assemblyman Blakeslee consulted with Judge William P. Clark, former U.S. National Security Advisor and California State Supreme Court Justice, who also served as Chief of Staff to Governor Ronald Reagan, regarding the issue of foreign lobbying. Justice Clark provided his thoughts in the attached letter responding to Assemblyman Blakeslee.

This is not the first time the Chinese government has been accused of violating diplomatic protocol by interfering in another countries' internal affairs. In 2007, Canada objected to the revelation that the Chinese Embassy was working to interfere with an application by the 'New Tang Dynasty TV' pending before the Canadian Radio and Telecommunications Commission. In this incident, the Chinese government sought to recruit students and other Canadians as lobbying agents, rather than through bolder acts of direct lobbying by Chinese officials as has occurred with ACR 6.

Additionally, Assemblyman Blakeslee is not alone in his experience with foreign representatives attempting to use the California Legislature to advance a revisionist agenda that undermines our state's commitment to human rights.

The following is an excerpt from a press release issued by Assemblyman Paul Krekorian reveals the efforts of another foreign state. However, in this instance, the Azerbaijani government did have lobbyist representation that would have been appropriately subject to disclosure rules.

March 6 , 2009

Assistant Majority Leader Paul Krekorian Defeats Azeri Efforts to Influence Legislators

California State Assemblymember Paul Krekorian (D-Glendale) last week defeated an effort by Azerbaijani government agents to solicit false statements from his fellow legislators to support an international anti-Armenian propaganda campaign.

Several representatives of the Republic of Azerbaijan, including a member of Parliament and the Azeri Consul General, as well as their paid lobbyist, were in the State Capitol to meet with members of the legislature. Among other things, the Azeri agents were soliciting legislators to sign a letter to President Aliyev expressing solidarity with the people of Azerbaijan and acknowledging what they called the "Khojaly massacre" during the Karabagh war of independence in 1992. The Azeri's lobbyist even suggested that all-expense-paid trips to Azerbaijan could be available to legislators who "understand the issues."

Within hours of learning of this effort, Krekorian contacted every member of the Assembly, including the Speaker, and every member of the Senate, including the President pro tem, to urge them not to sign the Azeri letter. Krekorian, who serves as the Assistant Majority Leader of the Assembly, wrote to each member with an explanation of the historical controversy over the Khojaly incident. Krekorian further explained that the Azeri government was attempting to use their biased view of the incident as a propaganda tool in an international effort to discredit Armenia and the Nagorno Karabagh Republic.

Because of Krekorian's immediate and forceful advocacy, only one out of 120 members of the Assembly and the Senate signed the Azeri letter. The result was an embarrassing failure for the Azeri propaganda machine, which has significantly increased its anti-Armenian rhetoric throughout the world in recent months.

"The Azeri government has no business being in our State Capitol peddling their anti-Armenian prejudices," Krekorian said. "Their letter about the Khojaly incident is outrageously biased and misleading, and is nothing more than a cynical manipulation of a tragedy for propaganda purposes. Obviously, they desperately want to distract attention from the growing worldwide demand for justice for the Armenian Genocide, but they will not succeed. I'm glad that my colleagues saw through this charade and refused to be used as propaganda tools by the Azeri government."

Regrettably, one member of the Assembly did sign the letter, and that fact was quickly seized upon as a "victory" by the Azeri propagandists. Within a matter of hours, that letter was being quoted on Turkish and Azeri websites throughout the world, which applauded the author for standing up to pressure from the Armenian Diaspora and "pro-Armenian" legislators. Some of these sites even made reference to the Khojaly incident as a "genocide," thereby revealing the true propaganda purpose of this effort.

http://democrats.assembly.ca.gov/members/a43/News_Room/Press/20090306AD43PR01.aspx

12 March 2009

Honorable Sam Blakeslee
California State Assemblyman, Thirty-Third District
State Capitol, Room 4117
Sacramento, California 95814

Dear Sam:

Thank you for sharing information on your Assembly Concurrent Resolution 6, relative to the Dalai Lama and Tibet Awareness Day. You request my opinion on the propriety of foreign consular officials of the People's Republic of China entering the halls of the California State government with the purpose of in-person lobbying individual legislators to vote against passage of the subject resolution.

In my years as Chief of Staff to Governor Ronald Reagan and again as Deputy Secretary of State and later National Security Advisor to President Reagan, I do not recall any case of foreign consular officials lobbying at our state level in such a blatant and aggressive way. To suggest that such activity is irregular is to state the obvious; in fact, such actions appear to be inappropriate.

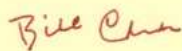
Notwithstanding matters of propriety, the fact that such actions occur in relation to a resolution recognizing the 50th anniversary of the flight of the Tibetan religious leader in the aftermath of an unprovoked invasion by the armed forces of Communist China is not merely ironic, but indeed tragic. As your resolution correctly details, the United Nations General Assembly has on three separate occasions passed resolutions calling for the cessation of practices that deprive the Tibetan people of their fundamental human rights and freedoms, including the right to self-determination. That consular officials of the Chinese Communist government would utilize the freedoms and liberties afforded them by the governments of the United States and the state of California to seek the defeat of a resolution advocating the same freedoms for the occupied and oppressed people of Tibet is unfortunate.

My thoughts on this circumstance may be emphasized by asking the following question: Would consular staff of the United States ever be allowed to walk the halls of any Chinese provincial government to lobby Chinese state officials to cast a vote in support of or in opposition to any measure related to the issue of human rights? To ask the question is to answer it.

In closing, I offer my thanks and best wishes to you in your continued efforts to give voice to all those who yearn to practice their religion and culture freely. Since its enactment in July of 1776, our Declaration of Independence has eloquently announced to the world that all men are created equal, endowed by their Creator with certain unalienable rights, among which are life, liberty and the pursuit of happiness. These timeless principles are equally true in the faraway mountains of Tibet as they are in sunny California and across our blessed nation.

I applaud your efforts and those of your Assembly colleagues, freedom-loving members throughout the free world, members of the Tibetan exile community, and all others who celebrate the attempts of the Dalai Lama and the Tibetan people to enjoy basic freedoms and liberties by peaceful means, and wish all of you every success in your efforts.

God Bless,



William P. Clark
Supreme Court Justice (Ret.)