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Obama administration defends license to lawyer representing Sudan

By Kevin Bogardus - 12/22/11 09:15 AM ET

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Under pressure from lawmakers, the Obama administration is defending its decision to grant a lawyer permission to represent the blacklisted Sudanese regime in Washington.

Members of Congress have assailed the Treasury Department for granting attorney Bart Fisher a license despite the U.S. sanctions that have been levied against the Republic of Sudan. The license, granted by Treasury's Office of Foreign Assets Control (OFAC), allows Fisher to provide legal services to the Sudanese government in the United States.

Lawmakers such as Rep. Frank Wolf (R-Va.) have hit the Obama administration for the decision, arguing Fisher is a lobbyist for a genocidal regime who should be barred from the halls of power.

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"We stand just blocks from a museum that cries out 'Never Again.' Meanwhile, it appears that this administration is complicit in allowing a genocidal government to have an advocate in Washington," Wolf said last week, referring to the Holocaust Memorial Museum.

"History will be their judge if

they fail to act," he said.

In a letter to Wolf sent last Friday, David Cohen, Treasury's undersecretary for terrorism and financial intelligence, said longstanding Treasury regulations allow Sudan to pay for legal work in the U.S.

"The rationale underlying this regulation has its basis in a consistent body of decisions from federal courts recognizing the rights of even a sanctioned sovereign nation to press its interests in U.S. courts and before U.S. agencies," Cohen wrote in the letter, which was obtained by The Hill.

Cohen said the decision was made by career Treasury employees following the law and was not influenced "whatsoever" by political appointees, as Wolf has suggested.

"I would note that the regulation permitting legal services and our accompanying policy with respect to payment from offshore funds have been in place through Democratic and Republican administrations alike," Cohen wrote. "And I can assure you that the application of regulations and policy in this matter ... was performed solely and entirely by career civil servants, without any intervention whatsoever by any political appointee."

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Wolf claims Fisher tried to lobby him on the issue of U.S. sanctions against Sudan, which is not permitted under the license.

"I never requested information from Mr. Fisher," Wolf wrote in a letter last week to Treasury Secretary Timothy Geithner. "And yet yesterday, he called my chief of staff. And in his letter he tries to convince me, as a member of Congress, that the current sanctions regime should be altered. If that's not lobbying, I don't know what is."

Cohen emphasized in his letter to Wolf that Fisher has not been cleared to lobby Congress. "[Treasury] did not authorize lobbying or public relations work on behalf of the Government of Sudan," Cohen wrote.

In a statement to The Hill, Fisher said he is only performing legal work for the Sudanese government.

"I am not a lobbyist for Sudan. I have a license from the Office of Foreign Assets Control (OFAC), which is part of the U.S. Treasury Department, to provide legal advice and counsel to the Embassy of the Republic of the Sudan," Fisher said.

The criticism of Treasury's decision has come from both sides of the aisle. Rep. Michael Capuano (D-Mass.), co-chairman of the House's Sudan Caucus, wants the license pulled back.

"The license should be revoked and it should not be reissued until Sudan has done everything it is required to do in South Sudan and at the U.N. The government of Sudan has tried this approach before and it didn't work," Capuano said in a statement to The Hill.

"It is absolutely unacceptable that the U.S. has allowed a murderer like [Sudan President] Omar Hassan Bashir to hire a Washington emissary to do his bidding," Rep. Donald Payne (D-N.J.), ranking member of the House Africa, Global Health and Human Rights subcommittee, said in a statement last week.

"Now is not the time to appease a warlord by dangling carrots and rewarding bad behavior," Payne said.

Once a safe haven for terrorist mastermind Osama bin Laden, Sudan has been plagued for years by a bloody civil war. A peace agreement between the warring factions was reached in 2005, but violence persists along the border with South Sudan, which became independent this year.

The United States first imposed economic sanctions on Sudan in 1997. They have been extended annually, most recently by President Obama in November.

Fisher, an international trade and investment lawyer, signed a \$20,000-per-month agreement with Sudan on Nov. 1, according to Justice Department records. He is working to end the sanctions against Sudan and have the country removed from the State Department's list of state terrorism sponsors.

Capuano said the Sudanese government is wasting its time trying to make friends in Washington.

"I don't think anyone could convince Congress to ignore the record of the Sudanese government, so in many respects they are throwing their money away," he said.

Fisher said he plans to continue working for Sudan despite the controversy.

"I do not plan to void the contract, as I believe that providing legal counsel to those whose causes might be unpopular in some circles is part of the American way."

Bob Cusack contributed to this report.

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