

**FEDERAL ELECTION COMMISSION**  
**999 E Street, N.W.**  
**Washington, D.C. 20463**

**FIRST GENERAL COUNSEL'S REPORT**

MUR: 6481

DATE COMPLAINT FILED: July 12, 2011

DATE OF NOTIFICATION: July 14, 2011

LAST RESPONSE RECEIVED: April 26, 2012

DATE ACTIVATED: September 28, 2011

EXPIRATION OF SOL: May 5, 2016 (earliest)  
June 15, 2016 (latest)

**COMPLAINANT:**

America's Survival Inc.

**RESPONDENTS:**

RTTV America, Inc.  
Ron Paul 2012 Presidential Campaign  
Committee, Inc. and Lori Pyeatt in her official  
capacity as treasurer

**RELEVANT STATUTES  
AND REGULATIONS:**

2 U.S.C. § 441b(a)  
2 U.S.C. § 441e(a)  
11 C.F.R. § 100.73  
11 C.F.R. § 100.132  
11 C.F.R. §§ 110.20(b), (f), and (i)

**INTERNAL REPORTS CHECKED:**

FEC Disclosure Reports

**FEDERAL AGENCIES CHECKED:**

None

**I. INTRODUCTION**

Complainant America's Survival Inc. alleges that RTTV America, Inc. ("RTTV") is a foreign corporation that produces and broadcasts cable television content. The Complaint alleges that RTTV violated the Federal Election Campaign Act of 1971, as amended, (the "Act") when it produced an episode of *Adam vs. The Man* (the "Show") that promoted and solicited campaign funds for then-presidential candidate Ron Paul. The Complaint concludes that RTTV therefore made a prohibited contribution to, or an expenditure on behalf of, the Ron Paul 2012

1 Presidential Campaign Committee, Inc. and Lori Pyeatt in her official capacity as its treasurer  
2 (the "Committee").

3 RTTV and the Committee deny the allegations. RTTV asserts that it is a domestic  
4 corporation and provides sworn affidavits and other records substantiating that claim. Both the  
5 Committee and RTTV further contend that RTTV's production of the show is neither a  
6 "contribution" nor an "expenditure" because RTTV is a press entity and the allegations relate to  
7 activity within its legitimate press function.

8 Because RTTV is a U.S. corporation, we recommend that the Commission find no reason  
9 to believe that RTTV made or the Committee accepted a prohibited foreign national contribution.  
10 *See* 2 U.S.C. § 441e(a). In addition, any contribution relating to the Show would have been  
11 made by the Show's production company, Adam vs. The Man, LLC — not RTTV — and the  
12 production company is covered by the exemption for press entities. Consequently, we also  
13 recommend that the Commission find no reason to believe that RTTV made, or that the  
14 Committee accepted, a prohibited in-kind corporate contribution. *See* 2 U.S.C. § 441b(a).<sup>1</sup>  
15 Finally, we recommend that the Commission close the file.

## 16 II. FACTUAL AND LEGAL ANALYSIS

### 17 A. Factual Background

18 Adam Kokesh is the Show's host. Kokesh launched the Show in 2010 as a talk radio  
19 program based in Albuquerque, NM. RTTV Resp. at 3 (Aug. 11, 2011); Committee Resp. at 1  
20 (Sept. 2, 2011). In February 2011, Kokesh incorporated Adam vs. The Man, LLC as a New  
21 Mexico limited liability company. RTTV Resp. at 2. Soon after its incorporation, Adam vs. The

<sup>1</sup> The Complaint did not identify as Respondents either Kokesh's company, Adam vs. The Man, LLC, or Russia Today, a foreign media outlet that broadcast the Show, nor did we name them as such. As discussed in greater detail below, we conclude that neither entity apparently violated the Act and accordingly make no further recommendation concerning those two entities.

1 Man, LLC entered into an "independent contractor relationship with RTTV" to co-produce the  
2 Show on television. RTTV Resp. at 2; Alex Yazlovsky Aff. at 2 (August 11, 2011).

3 RTTV is incorporated and registered to conduct business in the District of Columbia. *See*  
4 RTTV Resp. at 2, Attach. A (D.C. Department of Consumer and Regulatory Affairs listing for  
5 RTTV). It is a privately held company wholly owned by Alex Yazlovsky.<sup>2</sup> Dun & Bradstreet,  
6 <http://www.dnb.com> (D&B Business Information Report, RTTV America, Inc. (received Sept.  
7 23, 2011)). RTTV asserts that it "creates and provides television content for an internationally-  
8 focused, English language television network that airs in markets across the United States."  
9 RTTV Resp. at 2; Yazlovsky Aff. Along with the Show, RTTV also produces daily news and  
10 editorial programs, such as *The Big Picture with Thom Hartmann* and *The Alonya Show*. RTTV  
11 Resp. at 2. The Show aired on "the [Russia Today] channel," which purchased the rights to  
12 broadcast the Show. *Id.* at 3-4. Founded in part by RIA Novosti, a Russian Federation state-run  
13 and reportedly state-financed media outlet, Russia Today consists of three global news channels  
14 broadcasting in English, Spanish, and Arabic. *See* <http://en.rian.ru/docs/about/novosti.html>; *see*  
15 *also* [http://en.rian.ru/agency\\_news/20120206/171179459.html](http://en.rian.ru/agency_news/20120206/171179459.html); <http://rt.com/about-us/>. Russia  
16 Today airs programming broadcasts from its Washington, D.C. studio. *See* [http://rt.com/about-](http://rt.com/about-us/)  
17 [us/](http://rt.com/about-us/); Compl. at 2.

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<sup>2</sup> RTTV's Supplemental Response states that Alex Yazlovsky is a U.S. citizen. *See* RTTV Supp. Resp. (Mar. 30, 2012).

1 The Show aired weeknights on Russia Today from April to August 2011;<sup>3</sup> it featured 30  
2 minutes of news and editorial commentary by Kokesh and included guest interviews of federal  
3 and state candidates, officeholders, authors, and others. *See*

4 <http://www.adamvstheman.com/about>; *see also* RTTV Resp. at 3; Committee Resp. at 1.

5 According to the Show's website, its purpose was to "reveal the reality of a government based  
6 not on protecting the freedoms of the American people, but exploiting them for the sake of the  
7 real power brokers and banksters who work behind the scenes." *See* [http://rt.com/shows/adam-](http://rt.com/shows/adam-vs-man/)  
8 [vs-man/](http://rt.com/shows/adam-vs-man/).

9 The Complaint focuses on the June 6, 2011, episode of the Show. The Complaint alleges  
10 that RTTV is a registered foreign corporation "funded by the government of Russia" that  
11 provided air time for its employee, Kokesh, to promote and raise funds for the presidential  
12 campaign of Ron Paul during the June 6, 2011, episode. Compl. at 1. The Complaint contends  
13 that Kokesh's concluding remarks during that episode extended beyond news reporting to  
14 endorsing and fundraising for a federal candidate. *See id.* at 1-2. The Complaint provided a  
15 portion of the episode's transcript in which Kokesh solicited contributions for Ron Paul in  
16 closing remarks, which the Complainant contends is "a political contribution consisting of  
17 valuable air time, provided by a foreign corporation, and airing in the U.S." *Id.* at 2.

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<sup>3</sup> The Show's website reports that Russia Today approached Kokesh while he was producing a weeknight talk radio program, shortly before the program was slated to be cancelled and offered to broadcast the Show on its cable and satellite television network. *See* <http://www.adamvstheman.com/about>. The website further notes that, "[w]hile some were shocked that a state-funded media outlet would hire a libertarian, if you understand Russia Today to be the Russian government poking the American government in the eye, it makes perfect sense and Adam was happy to be a part of that effort. Unfortunately, after four successful months in which the show quickly came to regularly outperform other similar shows on the network, they decided to part ways and Adam decided to strike out on his own." *Id.* Russia Today's motive for broadcasting the Show, however, is beside the point. The applicable regulation at issue focuses on the "decision-making process" of any person relating to "election-related activities." *See* 11 C.F.R. § 110.20(i). Here, the only apparent decisionmaker involved in the specific election-related activity — the solicitations for Ron Paul — was Kokesh, a U.S. citizen. Therefore, it appears that Russia Today did not violate the Act.

Specifically, that portion of the transcript states:

I'd like to end tonight on a note of some good news. We have some good news from the front lines of the Ron Paul "LOVEolution" with our money bomb on June 5. I was happy to donate to that. Yesterday we raised over 1 million dollars for the Ron Paul campaign. And I'm starting to figure out what electable means, because electable or non-electable is really a code word for "if this person wins, I'm not gonna be able to get as much money from the government." But if you want electable, please support the reelection campaign of President Barack Obama. If you want a President whose [sic] going to honor his oath to the Constitution and your freedom, I urge you to support none other than Congressman Ron Paul.

Compl. at 2.<sup>4</sup>

Although the Complaint relies only on the June 6 episode in which Kokesh endorsed Ron Paul's candidacy, Kokesh expressed his support for Ron Paul in other episodes as well. For example, during the April 26, 2011, episode, Kokesh encouraged viewers to volunteer and sign online petitions supporting Ron Paul's candidacy, and stated, "You are my president, and the only commander in chief I would follow into battle. I am at your service." See <http://www.youtube.com/watch?v=faZpekej3M0>. The Show also aired a 13-minute interview conducted on May 4, 2011, with Paul, which included a solicitation for federal contributions to his campaign. In Kokesh's introduction to the interview, Kokesh referred to "money bomb" fundraising events sponsored by the Committee and stated, "I hope you will help show them how strong we are, and I hope you will join me in donating tomorrow and supporting the candidacy of Dr. Ron Paul." See <http://www.youtube.com/watch?v=RF1PMPbc0WA&feature=endscreen&NR=1>; <http://rt.com/programs/adam-vs-man/income-tax-ron-paul/>. The episode concluded with Kokesh

<sup>4</sup> The entire June 6 episode of *Adam vs. The Man* is available in the Commission's Voting Ballot Matter folder. Except for minor typographical errors, Complainant's transcription appears to be accurate. Further, although Kokesh uses the words "our" and "we" to refer to the money bomb event, the Committee actually conducted that event. For clarity, we note that Russia Today's website identifies each episode by the day following the Show's air date, while our report refers to each episode by its actual air date.

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1 stating: "For the first GOP debate tomorrow, we're having a money bomb to make sure Ron runs  
2 and to show the entire country the kind of support he has. . . . Join me in continuing to honor the  
3 oath that I swore to the U.S. Constitution when I enlisted by donating tomorrow at  
4 RonPaul2012.com." *Id.*

5 Similarly, on July 20, 2011, the Show featured an appearance by Tom Woods, the  
6 chairman of the Revolution Super PAC, an independent expenditure only political committee  
7 supporting Ron Paul's presidential campaign. Woods discussed the PAC's grassroots effort in  
8 support of Ron Paul. Woods described the PAC's need for resources to implement its agenda,  
9 noting that "any big dollar donors out there, we have big ambitions for what we want to do. We  
10 have great ideas for getting the message out there in ways that I think will appeal to the  
11 grassroots Ron Paul supporters." See <http://www.youtube.com/watch?v=r8toAwZAS00>;  
12 <http://rt.com/programs/adam-vs-man/default-markdice-pac-anonymous/>.

13 Although Kokesh made numerous references to Ron Paul during the five months that the  
14 program aired, our review of all of the episodes revealed that most focused on topics other than  
15 Ron Paul's presidential campaign. See <http://rt.com/programs/adam-vs-man/>.

16 Concerning the direction and source of the Show's content, RTTV contends that its  
17 responsibilities as co-producer differed in significant respects from the co-producer duties of  
18 Adam vs. The Man, LLC. RTTV Resp. at 2. RTTV provided studio space for the live taping of  
19 episodes of the Show, along with equipment and technical services to Adam vs. The Man, LLC.  
20 See RTTV Supp. Resp.; RTTV Resp. at 2. RTTV contends that these live productions "[were]  
21 transmitted to [Russia Today] and . . . there was a half hour delay between the live taping and the  
22 broadcast." E-mail from Gary C. Adler, Esq., Counsel to RTTV, Roetzel & Andress, to Shana  
23 M. Broussard, Att'y, FEC (Apr. 26, 2012, 09:51 EST).

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RTTV asserts that it was Adam vs. The Man, LLC that “had full editorial control” over the Show and that RTTV “did not control any decisions related to the content of the *Adam vs. The Man Show* May 4, 2011 and June 6, 2011 episodes, or any other episode.” See RTTV Supp. Resp.; RTTV Resp. at 2; Yazlovsky Aff. ¶ 9. Further, it was RTTV’s understanding that “[Russia Today] never edited the content of an episode of the Show prior to its airing.” E-mail from Gary C. Adler, *supra*. Similarly, Kokesh claimed that he had full editorial control of the Show’s content in an April 2011 interview that aired before the Show began. Kokesh stated “I’m really excited that I’ve got the confidence of the network here for this show. *They’re going to be giving me full editorial control* and you know if that’s compromised, you’re gonna know. That’s a promise.” *Reality Report.TV: Kokesh Premieres on Russia Today* (BLIP.TV web episode Apr. 4, 2011) (“Reality Report.TV”), <http://archive.org/details/RealityReport-AdamKokeshJoinsRussiaToday985> (emphasis added). Kokesh also outlined future topics for the Show, such as the government’s role in the violation of individual liberties, the anti-war effort, and the upcoming presidential election, all of which in fact became topics of the episodes that ultimately aired. *Id.*

## **B. Legal Analysis**

### **1. The Act’s Foreign National Prohibition Was Not Violated Because Kokesh Alone Exercised Control, Direct or Otherwise, Over the Show**

The Act and Commission regulations prohibit a foreign national from directly or indirectly making a contribution or donation of money in connection with a federal, state, or local election. 2 U.S.C. § 441e(a)(1)(A); 11 C.F.R. § 110.20(b). A foreign national also may not directly or indirectly make an expenditure, an independent expenditure, or a disbursement in connection with a federal, state, or local election. 2 U.S.C. § 441e(a)(1)(C); 11 C.F.R. § 110.20(f). Foreign nationals, additionally, “shall not direct, dictate, control, or directly or

1 indirectly participate in the decision-making process of any person, such as a corporation,  
2 . . . with regard to such person's Federal or non-Federal election-related activities, such as  
3 decisions concerning the making of contributions, donations, expenditures, or disbursements in  
4 connection with elections for any Federal, State, or local office." 11 C.F.R. § 110.20(i).<sup>5</sup>

5 For purposes of the Act, a "foreign national" is a person who is not a citizen, national, or  
6 lawfully admitted permanent resident of the United States. 2 U.S.C. § 441e(b)(2). The term also  
7 encompasses "foreign principals," including the government of a foreign country or a foreign  
8 political party, and can also include "a partnership, association, corporation, organization, or  
9 other combination of persons organized under the laws of or having its principal place of  
10 business in a foreign country." 2 U.S.C. § 441e(b)(1) (citing 22 U.S.C. § 611(b)).

11 RTTV is a domestic corporation that is incorporated in and registered to conduct business  
12 in the District of Columbia. *See* RTTV Resp., Attach. A. Although RTTV sells television  
13 content to Russia Today, a foreign-owned media outlet, RTTV itself is "an independent U.S.  
14 corporation and is not a subsidiary of, or affiliated with, any foreign-owned corporation." RTTV  
15 Resp. at 4; Yazlovsky Aff. at 1. Thus, RTTV is not a foreign national under 2 U.S.C.  
16 § 441e(b)(2).

17 Further, the record reflects that no other foreign national was either directly or indirectly  
18 involved in any decision-making with respect to the content of the endorsements of Paul or  
19 solicitations for Paul. Kokesh is a U.S. citizen employed by a domestic company registered in  
20 New Mexico. *See* RTTV Resp. at 2. Both RTTV and Kokesh contend that Kokesh alone is  
21 responsible for the Show's content, which would include the April 26, May 4, and July 20, 2011,

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<sup>5</sup> The Act and Commission regulations further provide that no person shall knowingly solicit, accept, or receive from a foreign national any contribution or donation prohibited by the Act. *See* 2 U.S.C. § 441e(a)(2); 11 C.F.R. § 110.20(g).



1 episodes. RTTV Resp. at 2, 4; RTTV Supp. Resp. RTTV further denies that Russia Today or  
2 any other foreign national was involved with any decision-making relating to the Show or  
3 exercised any editorial control over its contents. *See* RTTV Resp. at 4; Email from Gary Adler,  
4 Counsel, RTTV to Shana M. Broussard, Att'y, FEC (Apr. 26, 2012 09:51 EST) ("It is my further  
5 understanding that [Russia Today] never edited the content of an episode of the Show prior to its  
6 airing.").

7 For these reasons, we recommend that the Commission find no reason to believe that  
8 RTTV or the Committee violated 2 U.S.C. § 441e and 11 C.F.R. § 110.20.

9 2. RTTV's Alleged Corporate Contributions or Expenditures

10 The Act prohibits corporations from making contributions from their general treasury  
11 funds in connection with a federal election. *See* 2 U.S.C. § 441b(a). The Act also prohibits any  
12 candidate, political committee, or other person from knowingly accepting a corporate  
13 contribution. *See id.* The Act and Commission regulations define the terms "contribution" and  
14 "expenditure" to include any gift of money or "anything of value" for the purpose of influencing  
15 a federal election. *Id.* § 431(8)(A), (9)(A); 11 C.F.R. §§ 100.52(a), 100.111(a). The term  
16 "anything of value" includes in-kind contributions. 11 C.F.R. § 100.52(d)(1). The Act and  
17 Commission regulations require political committees to report all contributions received,  
18 whether monetary or in-kind, during a given reporting period. *See* 2 U.S.C. § 434(b); 11 C.F.R.  
19 § 104.3.

20 The Act and Commission regulations, however, also have a press exemption, which  
21 excludes from the definition of contribution or expenditure "any cost[s] incurred in covering or  
22 carrying a news story, commentary, or editorial by any broadcasting station (including a cable  
23 television operator, programmer or producer) . . . unless the facility is owned or controlled by

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1 any political party, political committee, or candidate[.]” 11 C.F.R. §§ 100.73, 100.132; *see*  
2 2 U.S.C. § 431(9)(B)(i). The Commission has developed a two-part test for applying that  
3 exemption. First, the entity engaging in the activity must be a press or media entity, in that its  
4 focus is the production, on a regular basis, of a program that disseminates news stories,  
5 commentary, or editorials. *See, e.g.*, Advisory Op. 2007-20 (XM Radio) (“AO 2007-20”);  
6 Advisory Op. 2005-19 (The Inside Track) (“AO 2005-19”); Advisory Op. 2005-16 (Fired Up!)  
7 (“AO 2005-16”).<sup>6</sup> Second, the Commission considers (i) whether the press entity is owned or  
8 controlled by a political party, political committee, or candidate and, if not, (ii) whether the press  
9 entity is acting as a press entity in conducting the activity at issue (*i.e.*, whether it is acting in its  
10 “legitimate press function”). *See Reader’s Digest Ass’n v. FEC*, 509 F. Supp. 1210, 1215  
11 (S.D.N.Y. 1981); *FEC v. Phillips Publ’g*, 517 F. Supp. 1308, 1312-13 (D.D.C. 1981).

12 Kokesh’s endorsement of Ron Paul on the Show falls within the scope of the press  
13 exemption. First, Adam vs. The Man, LLC qualifies as a press entity. The Show’s 90 episodes  
14 reflect that Adam vs. The Man, LLC produced on a regular basis a program that disseminated  
15 news stories, commentary, and editorial content. *See* AO 2007-20; AO 2005-19. The program  
16 focused on a wide range of traditionally newsworthy topics, including the economy, taxes, drug  
17 policy, the Wiki Leaks affair, unions, military matters, history, law enforcement, foreign policy,  
18 and politics generally.

19 Second, the available information indicates that Adam vs. The Man, LLC is not owned or  
20 controlled by a political party, political committee, or candidate, *see* RTTV Resp. at 2, and was

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<sup>6</sup> With regard to the first prong, it is irrelevant whether a news story, commentary, or editorial lacks objectivity, expressly advocates the election or defeat of a clearly identified candidate for federal office, or solicits contributions on behalf of the candidate, so long as the solicitation does not become a regular feature of the story, commentary, or editorial. *See* Advisory Op. 2008-14 (Melothe Inc.) at 5-7 (“AO 2008-14”) (citing AO 2005-16 (citing First Gen. Counsel’s Rpt., MUR 5440 (CBS Broadcasting, Inc.))); AO 2005-19 (citing same).

1 acting within its legitimate press function. See *FEC v. Mass. Citizens for Life*, 479 U.S. 238, 251  
2 (1986) ("*MCFL*"); see also Advisory Op. 2011-11 (Colbert) ("AO 2011-11").<sup>7</sup> The Show aired  
3 episodes on weeknights; they were publicly available on cable and satellite television; and they  
4 are made available at no charge on the Show's website. The format of the Show's April 26 and  
5 June 6 episodes is consistent with other episodes of the Show and, all of the episodes are  
6 generally critical of the Obama administration and Congress, and regularly include guest  
7 interviews of federal and state candidates and officeholders. See [http://rt.com/shows/adam-vs-](http://rt.com/shows/adam-vs-man/)  
8 [man/](http://rt.com/shows/adam-vs-man/). Although the Show's episodes expressly advocated Paul's election, and did so numerous  
9 times, such a lack of objectivity does not disqualify it from the application of the press  
10 exemption. See AO 2007-20; AO 2005-19; AO 2005-16.<sup>8</sup> Because Adam vs. The Man, LLC's  
11 conduct is covered by the press exemption, Kokesh's endorsements of Paul do not constitute a  
12 contribution.<sup>9</sup>

<sup>7</sup> In *MCFL*, the Supreme Court held that a "Special Edition" newsletter did not qualify for the press exemption because the newsletter — which exhorted voters to vote "pro-life," had been prepared by a staff that had prepared no regular newsletter, and was distributed to a much larger audience than that of the regular newsletter — differed in certain "considerations of form" from the press entity's regular newsletter. 479 U.S. at 250-51. In AO 2011-11, the Commission considered whether Viacom, in providing news coverage of a newly formed political committee and its activities on *The Colbert Report*, was acting within its legitimate press function by assessing (1) whether the press entity's materials were available to the general public and (2) whether the materials were comparable in form to those ordinarily issued by the press entity. AO 2011-11; see also AO 2005-16 (citing *MCFL*, 479 U.S. at 251); Advisory Op. 2000-13 (iNEXTV) (concluding that a website was "viewable by the general public and akin to a periodical or news program distributed to the general public").

<sup>8</sup> Further, the Commission has previously determined that press entities will not necessarily forfeit the press exemption if they solicit contributions for candidates. A solicitation for contributions may appear in a commentary that is a regular feature of a press entity's content, provided that the solicitations do not become a regular feature of its content. See Advisory Op. 1980-109 (Ruff Times) ("AO 1980-109"); AO 2008-14 (analyzing AO 1980-109). Here, Kokesh expressly advocated the election of Ron Paul in numerous episodes of the Show and, although less often, referred to Paul fundraisers and solicited contributions to his campaign. Nevertheless, each reference to Ron Paul was connected to Kokesh's regular commentary. See <http://rt.com/shows/adam-vs-man/>. And most of the Show's episodes do not involve Ron Paul at all. Accordingly, the Show's reference to Committee fundraisers and solicitations was an infrequent, irregular feature of the program and did not result in a contribution or expenditure on behalf of a federal candidate under applicable Commission precedent. See AO 1980-109.

<sup>9</sup> The Complaint makes no allegation that Adam vs. The Man, LLC violated the Act, and we have not identified it as a respondent in this matter. We therefore make no recommendation, as no further action would be necessary if the Commission concludes that the entity did not make a prohibited contribution.

1 RTTV also claims that it is covered by the press exemption,<sup>10</sup> but we do not believe that  
2 RTTV was acting as a press entity when it co-produced the Show. Rather, RTTV seems to have  
3 been acting merely as a commercial entrepreneur that provided programming to Russia Today.  
4 See Factual & Legal Analysis at 7-8, MUR 5297 (John Wolfe) ("F&LA"), Certification (Apr. 23,  
5 2003) (concluding that radio station was not acting as a press entity but as an "entrepreneur"  
6 when it aired show hosted by candidate who paid for the airtime and maintained complete  
7 control over the content of the show); F&LA at 6-7, MUR 6089 (People with Hart), Certification  
8 (May 21, 2009) (concluding that station was not acting a press entity because another entity paid  
9 for the airtime and maintained control over the show's content). RTTV merely acted in its  
10 commercial interests when it provided studio space, equipment, and technical assistance to Adam  
11 vs. The Man, LLC, so that Adam vs. The Man, LLC, could create television programming that  
12 RTTV, in turn, could sell to a broadcast network. Because Adam vs. The Man, LLC "had full  
13 editorial control" over the Show, while RTTV exercised none, either directly or indirectly,  
14 RTTV did not make a "contribution" as a result of the broadcast of the Show. Likewise, for the  
15 reasons already related above with regard to the claimed foreign-national contribution, Russia  
16 Today was even further removed from any decision relating to the content of the Show and  
17 specifically Kokesh's endorsements of Paul. Accordingly, there is also no reason to believe that  
18 Russia Today made a prohibited corporate contribution simply by securing the broadcast rights  
19 to the program from RTTV.<sup>11</sup>

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<sup>10</sup> Had RTTV been responsible for Paul's endorsement, the available information indicates that it would have in any event been exempt as a press entity because it is in the business of producing on a regular basis news stories and talk shows. RTTV asserts that since 2005, it has produced television content for daily news programs and talk shows — such as the Show, *The Big Picture with Thom Hartmann*, and *The Alonya Show* — that focus on news, commentary, and editorials. See RTTV Resp. at 2, 5.

<sup>11</sup> Russia Today has not been identified as a Respondent, and we make no recommendation as to it. In addition, because merely purchasing from RTTV the rights to broadcast the Show, itself within the media

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We therefore recommend that the Commission find no reason to believe that RTTV or the Committee violated 2 U.S.C. § 441b(a) and close the file.

### III. RECOMMENDATIONS

1. Find no reason to believe that RTTV America, Inc. violated 2 U.S.C. §§ 441b(a), 441e, or 11 C.F.R. § 110.20.
2. Find no reason to believe that Ron Paul 2012 Presidential Campaign Committee, Inc. and Lori Pyeatt in her official capacity as treasurer violated 2 U.S.C. §§ 441b(a) or 441(e).
3. Approve the attached Factual and Legal Analyses.
4. Approve the appropriate letters.

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exemption, with no influence over the Show's content, does not constitute the making of a contribution, the Commission need not address whether the press exemption would apply to a foreign press entity like Russia Today. We note, however, that the Commission has concluded that the "volunteer exemption" permits foreign nationals to engage in certain volunteer activities in a campaign without giving rise to a contribution or expenditure. See Advisory Op. 2004-26 (Weller); see also generally *Bluman v. FEC*, 800 F. Supp. 2d 281, 292 (D.D.C. 2011) ("[W]e do not decide whether Congress could prohibit foreign nationals from engaging in speech other than contributions to candidates and parties, express-advocacy expenditures, and donations to outside groups to be used for contributions to candidates and parties and express-advocacy expenditures."), *aff'd*, 132 S. Ct. 1087 (2012). By analogy, then, it may be that the press exemption would extend to a foreign press entity. We see no reason to address that question, however, unless and until it is squarely presented to the Commission.


5. Close the file.


Anthony Herman  
General Counsel

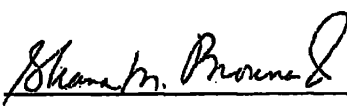
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