

October 9, 2017

Via email (FOIA@fec.gov)

Federal Election Commission  
Attn: FOIA Requester Service Center  
Room 408  
999 E. Street, N.W.  
Washington, D.C. 20463

**Re: Freedom of Information Act Request**

Dear Freedom of Information Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552, *et seq.*, and Federal Election Commission (“FEC”) regulations.

CREW requests all affidavits and other documentation regarding Matter Under Review: 6481 submitted by respondents RTTV America Inc. and Ron Paul 2012 Presidential Campaign Committee, Inc. and Lori Pyeatt in her official capacity as treasurer.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to these records.

If it is your position that any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. *See* 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. *See Mead Data Central*, 566 F.2d 242, 261 (D.C. Cir 1977).

### Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and FEC regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See* 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request is primarily and fundamentally for non-commercial purposes. *See McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

These records are likely to contribute to greater public awareness of the FEC's decision-making process regarding foreign and domestic contributions to United States elections through subsidiaries. On July 12, 2011, America's Survival Inc., filed a complaint with the FEC against RTTV America Inc. and Ron Paul 2012 Presidential Campaign Committee, Inc. and Lori Pyeatt in her official capacity as treasurer ("the Committee") alleging that RTTV America violated the Federal Election Campaign Act of 1971 by producing an episode of a television show that "promoted and solicited campaign funds for then-presidential candidate Ron Paul." The FEC found that RTTV and the Committee did not violate 2 U.S.C §441 and, although the FEC released the First General Counsel's Report, none of the affidavits or documented materials submitted by the respondents were made public at the conclusion of MUR 6481. The requested documents will shed light on the extent to which domestic subsidiaries owned and controlled by foreign parents are or are not considered to be foreign entities and how the FEC interprets the regulations regarding control and decisions making in those corporate structures. The public has a clear interest in learning whether and how the FEC Commissioners interpret the potential use of foreign money in United States elections.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials and to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, [www.citizensforethics.org](http://www.citizensforethics.org). The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website

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includes a blog that reports on and analyzes newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts all of the documents it receives under the FOIA on our website, which has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

### Conclusion

If you have any questions about this request or foresee any problems in releasing fully the requested records, please contact me at (202) 897-1845 or [kzumalt-rogers@citizensforethics.org](mailto:kzumalt-rogers@citizensforethics.org). CREW also welcomes the opportunity to discuss with you whether and to what extent this request can be narrowed or modified to better enable FEC to process it within the FOIA's deadlines. In addition, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such determination.

Where possible, please produce records in electronic form. Please send the requested records to me either at [kzumalt-rogers@citizensforethics.org](mailto:kzumalt-rogers@citizensforethics.org) or to Katie Zumalt-Rogers, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Avenue, NW, Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,



Katie Zumalt-Rogers