



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

August 17, 2017

BY FEDEX

Mikhail Solodovnikov
General Manager
T&R Productions
1325 G Street, NW, Suite 250
Washington, DC 20005

Re: Obligation of T&R Productions, LLC, to Register Under the
Foreign Agents Registration Act

Dear Mr. Solodovnikov:

Based upon information known to this office, we have determined that T&R Productions, LLC ("T&R"), has an obligation to register pursuant to the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §§ 611-621 (1995) ("FARA" or the "Act"). T&R's obligation to register arises from its political activities in the United States on behalf of RT and TV-Novosti, both foreign principals under the Act and proxies of the Russian Government, and its related work within the United States as a publicity agent and information-service employee of TV-Novosti.

FARA

The purpose of FARA is to inform the American public of the activities of agents working for foreign principals to influence U.S. Government officials and/or the American public with reference to the domestic or foreign policies of the United States, or with reference to the political or public interests, policies, or relations of a foreign country or foreign political party.

The term "foreign principal" includes "a government of a foreign country" and "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." 22 U.S.C. § 611(b).

An "agent of a foreign principal" is defined, in pertinent part, as "any person who acts as an agent . . . or . . . at the order, request, or under the direction or control" of a "foreign principal" and "(i) engages within the United States in political activities for or in the interests of such foreign principal;" or "(ii) acts within the United States as a . . . publicity agent, [or] information-service employee . . . for or in the interests of such foreign principal." 22 U.S.C. § 611(c)(1)(i)-(ii).

cc: Records 149 - 5775

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Typed: 08/17/2017

TR FARA letter 08 17 2017

The term “political activities” is defined in 22 U.S.C. § 611(o) as “any activity that the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or foreign political party.”

A “publicity agent” refers to “any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of . . . broadcasts, motion pictures, or otherwise,” 22 U.S.C. § 611(h), while an “information-service employee” includes “any person who is engaged in furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any country other than the United States or of any government of a foreign country . . .” 22 U.S.C. § 611(i).

RT and TV-Novosti are Proxies of the Russian Government

RT (formerly “Russia Today”) is a Russian international television network headquartered in Russia that disseminates broadcasting content to the United States, among other countries.¹ RT America, according to its Facebook page, “is the US based arm of RT, a 24-hour English language international broadcast news network headquartered in Moscow.”² The most recent financial information available for RT shows that in 2015, 99.7% of the funds expended by RT (amounting to \$285 million) came from the Russian government.³ Accordingly, RT meets the definition of a “foreign principal” pursuant to FARA. *See* 22 U.S.C. § 611(b)(3).

Moreover, the U.S. Intelligence Community has assessed that RT also serves as the Russian Government’s “principal international propaganda outlet.”⁴ Indeed, Russian President Vladimir Putin has explicitly said that “[RT] is funded by the [Russian] government, so it cannot help but reflect the Russian Government’s official position on the events in our country and in

¹ *See* “About RT,” RT.com, <https://www.rt.com/about-us/>.

² “About,” RT America Facebook Page, https://www.facebook.com/pg/RTAmerica/about/?ref=page_internal. *See also* “RT America” Tab, RT.com, <https://www.rt.com/on-air/rt-america-air/> (“[RT America] delve[s] deep into the most important issues on the US agenda, report[s] the other side of the story, and explore[s] unanswered – and unasked – questions.”).

³ Leonid Bershidsky, “Beware of RT’s Charade of Independence from Putin,” Bloomberg (Jan. 10, 2017), <https://www.bloomberg.com/view/articles/2017-01-10/beware-of-rt-s-charade-of-independence-from-putin>.

⁴ Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions in Recent US Elections* (2017) (“Intelligence Community Report”), at 3.

the rest of the world.”⁵ Similarly, RT’s editor-in-chief, Margarita Simonyan, has acknowledged that “since RT receives its budget from the state, it must complete tasks given by the state.”⁶ Simonyan has also referred to RT as “an information weapon,” noting that, in the United States “people will already be watching [RT] . . . at the critical moment we will have this audience already built up, an audience that is looking to us for the other side of the truth, and we will certainly take advantage of that.”⁷ Accordingly, to the extent RT serves as a proxy of the Russian government, it qualifies as a “foreign principal” for that reason as well.

RT is owned by TV-Novosti, a news organization designated under Russian law as an autonomous non-profit organization (“ANO”).⁸ According to the plain language of one of the contracts provided by counsel for RTTV America, Inc. (“RTTV America”), TV-Novosti is a “legal entity registered in due form under the laws of the Russian Federation,” with its principal place of business in Russia.⁹ Under the statutory definition quoted above, TV-Novosti also qualifies as a “foreign principal” pursuant to the Act. *See* 22 U.S.C. § 611(b)(3).

Bases for Requiring T&R’s Registration Under FARA

1. T&R is an Agent of Both RT and TV-Novosti

We assess that T&R is engaged in activities that require registration under FARA. Since at least August 1, 2014, T&R has been producing content in the United States carried by RT America, a television channel based in Washington, DC.¹⁰ T&R provides this service pursuant

⁵ “Putin Visits New HQ of State-Funded External Broadcaster,” Kremlin.ru (June 13, 2014).

⁶ Dozhd Online, July 11, 2012, https://tvrain.ru/teleshov/harddaysnight/margarita_simonjan_o_dzhuliane_assanzhe_pussy_riot_i_gosdepe_polnaja_versija-327931/. In a separate 2012 interview, Simonyan noted that Aleksey Gromov, Presidential Administration Deputy Chief of Staff, oversaw RT political coverage, including having in-person meetings with media managers in which he shared classified information and discussed media coverage plans. *See* Annex A to Intelligence Community Report, at 9.

⁷ Ilya Azar, “Russia Today Chief Editor Interviewed on Objectivity, Role of Media, Information Warfare,” Lenta.ru (Mar. 7, 2013).

⁸ *See, e.g.*, “Contact info,” RT.com, <https://www.rt.com/about-us/contact-info/>. One commentator has even claimed that TV-Novosti and RT are one and the same, with RT being “officially known as ANO TV Novosti.” *See* Bershidsky, *supra*, n.4.

⁹ *See* Letter from B. Dickerson to A. Mudd, (Jan. 4, 2013) (hereinafter, “2013 Letter”), Ex. 16 (Contract No. 1001/08-10), (Aug. 17, 2010) (quoted language in preamble to agreement).

¹⁰ Transition and Production Service Agreement between RTTV America, Inc. and T&R Productions, LLC § 3.02 (July 24, 2014) (“Transition and Production Services Agreement”) (enclosed herein as Exhibit 1). *See also* Alana Goodman, “RT America Boss Out on Supervised

to contractual arrangements on behalf of TV-Novosti, a Moscow-based organization. According to the contract, management of U.S. operations, including creative services, was transferred to T&R in 2014 from RTTV America, at the direction of TV-Novosti.¹¹ We understand that after the transfer of United States-based production functions from RTTV America, TV-Novosti paid T&R for operations formerly conducted by RTTV America, while exercising control over programming content.¹² (If there are new agreements in place between T&R and RT, TV-Novosti, or RTTV America please provide those as part of your registration.)

2. *T&R Has Engaged in "Political Activities" Under FARA.*

As noted, under its 2014 contract with RTTV America, T&R produces RT America content for TV-Novosti. According to RT's own website, part of RT's mission is to "acquaint . . . international audiences with a Russian viewpoint on major global events,"¹³ and a sample of RT's programming reflects a demonstrable Russian government viewpoint. Indeed, the Intelligence Community has concluded that RT is "a messaging tool . . . [used] to undermine faith in the US Government and fuel political protest."¹⁴ In a 2012 interview, TV-Novosti general manager Aleksey Nikolov noted that content from RT America and other foreign bureaus "only becomes [RT] content after the corresponding editorial work is performed on it here, in the Russian office."¹⁵

RT's broadcasts consistently mirror the opinions of the Kremlin, which, together with the state funding and other indicia of agency described above, indicate that both T&R and TV-Novosti act as alter egos of the Kremlin in ensuring dissemination of the Russian Government viewpoint on key political events. Therefore, the Russian Government itself should be construed as a foreign principal on whose behalf T&R is engaged in political activities in the United States.

Release Following Tax Fraud Conviction," Free Beacon (Mar. 26, 2015) ("Mar. 26, 2015 Free Beacon Article"), <http://freebeacon.com/culture/rt-america-boss-out-on-supervised-release-following-tax-fraud-conviction/>.

¹¹ Transition and Production Services Agreement; Mar. 26, 2015 Free Beacon Article, *supra*.

¹² *Id.*; Bershidsky, *supra* n.3.

¹³ "About Us," RT.com, *available at* <https://www.rt.com/about-us/>.

¹⁴ Intelligence Community Report at 3, 6; *see also* Clint Watts, "Statement Prepared for the U.S. Senate Select Committee on Intelligence Hearing: Disinformation: A Primer In Russian Active Measures and Influence Campaigns," (Mar. 30, 2017), <https://www.intelligence.senate.gov/sites/default/files/documents/os-cwatts-033017.pdf>.

¹⁵ Danilo Shepovvalnikov, "Other TV," COMNEWS (Sept. 19, 2012), <http://www.comnews.ru/node/67949#ixzz4alUT012r>.

For example, an April 5, 2017 broadcast of the RT America show, “News with Ed,” featured a guest calling into question the U.S. contention that Syrian president Bashar al-Assad had used chemical weapons against Syrian civilians.¹⁶ A week later, an RT America broadcast continued that theme with another piece questioning the legitimacy of the U.S. government’s evidence that President Assad was behind the April 4, 2017, chemical attack.¹⁷ This narrative mirrors the messaging coming out of the Kremlin, which posited that the chemical weapons were released when a rebel chemical stockpile was hit in airstrikes.¹⁸

Other recent examples of the alignment between RT America’s coverage and Kremlin messaging include the following:

- After the United States announced new sanctions in response to Iran’s ballistic missile testing in January 2017, RT America’s coverage echoed the Kremlin’s message that the ballistic missile testing did not violate the Joint Comprehensive Plan of Action (JCPOA).¹⁹
- In response to the release of the Intelligence Community Report, which highlighted the Kremlin’s use of RT as a propaganda tool, both RT America’s coverage of the report and the response from the Kremlin focused on claims that the report lacked any real evidence of Russian involvement in election interference.²⁰

¹⁶ “Trump has ‘drunk the Kool Aid’ on Syrian narrative – fmr diplomat,” RT America YouTube Channel (Apr. 5, 2017), <https://www.youtube.com/watch?v=wK9e0v18tPk>.

¹⁷ “US report on Idlib attack ‘misinterprets evidence,’ ‘politically motivated’ – professor,” RT America YouTube Channel (Apr. 12, 2017), <https://www.youtube.com/watch?v=8BAzQwOepcU>.

¹⁸ See, e.g., Tom O’Connor, “Putin, Russian Military Accuse Syrian Rebels of Framing Assad to Draw U.S. Support,” Newsweek (Apr. 11, 2017), <http://www.newsweek.com/russia-military-putin-rebel-chemical-attack-us-support-582621>.

¹⁹ Compare “Trump threatens Iran with sanctions, vows to scrap historic treaty,” RT America YouTube Channel (Feb. 3, 2017), https://www.youtube.com/watch?v=ckJl7G_DLkk with Ladane Nasser and Alexei Anishchuk, “Europe, Russia Weigh In on Iranian Missiles as UNSC to Meet,” Bloomberg (Jan. 31, 2017), <https://www.bloomberg.com/news/articles/2017-01-31/eu-russia-weigh-in-on-iran-missiles-as-security-council-to-meet>.

²⁰ Compare “ODNI report on Russian interference is ‘utter embarrassment’ – Chris Hedges,” RT America YouTube Channel (Jan. 10, 2017), <https://www.youtube.com/watch?v=XamSi1DJFUo> with Andrew V. Pestano, “Kremlin: U.S. report on Russian hacking ‘unfounded,’ ‘amateurishly emotional,” UPI (Jan. 9, 2017), http://www.upi.com/Top_News/World-News/2017/01/09/Kremlin-US-report-on-Russian-hacking-unfounded-amateurishly-emotional/5821483979291/.

- Criticism of NATO is also a frequent theme in RT America broadcasts.²¹ In a March 29, 2017 broadcast, for example, RT America presented news of the U.S. Senate vote to accept Montenegro into NATO.²² Its opposition to Montenegro's entry into NATO correlates with the Russian government's vocal opposition to both the admission of Montenegro into NATO and to NATO as an organization.²³

In sum, T&R is obligated to register under FARA because: (1) through its production of programming for RT broadcasts in the United States, it seeks to "influence . . . any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States, or with reference to the political or public interests, policies, or relations" of Russia, for or in the interests of Russia, and is therefore engaged in "political activities," *see* 22 U.S.C. § 611(o); and (2) it has acted as an agent of both RT and TV-Novosti in producing the content constituting those political activities (as described in more detail below).

3. *Other Bases for Registration Under FARA*

Further, by producing television programs within the United States that TV-Novosti later redistributes as part of RT (including distribution within the United States), T&R "engages directly or indirectly in the . . . dissemination of . . . broadcasts," and therefore served as a "publicity agent."²⁴ 22 U.S.C. § 611(h). Second, because certain programming concerns

²¹ *See, e.g.*, "Military buildup is a gesture of 'American commitment' – ex-diplomat," RT America YouTube Channel (Jan. 16, 2017), <https://www.youtube.com/watch?v=kKOGcY-EgrY>; "NATO accused of warmongering against Russia," RT America YouTube Channel, June 21, 2016, <https://www.youtube.com/watch?v=BdVxroezcww>; "'NATO was created for aggression in first place': Kremlin on reports of new Western buildup," RT.com, Nov. 7, 2016, <https://www.rt.com/news/365644-nato-aggression-created-kremlin/>.

²² *See* "NATO Wants to Bring Us 'As Close as Humanly Possible' to War," Ron Paul Institute (featuring March 29, 2017 RT footage), <http://www.ronpaulinstitute.org/archives/peace-and-prosperity/2017/march/30/nato-wants-to-bring-us-as-close-as-humanly-possible-to-war/>.

²³ *See, e.g.*, "Russia calls U.S. Approval of Montenegro's NATO Bid 'Deeply Mistaken,'" RadioFreeEurope (Apr. 14, 2017), <https://www.rferl.org/a/russia-calls-us-approval-montenegro-nato-bid-deeply-mistaken/28429017.html>; Jason Le Miere, "Russia Suggests Trump is no Different From Obama After Montenegro NATO Approval," Newsweek (Apr. 13, 2017), *available at* <http://www.newsweek.com/russia-trump-obama-montenegro-nato-583688>; Jack Farhy, "Putin names Nato among threats in new Russian security strategy," Financial Times (Jan. 2, 2016), <https://www.ft.com/content/6e8e787e-b15f-11e5-b147-e5e5bba42e51>.

²⁴ Margarita Simonyan has implied that the corporate arrangement between RTTV America and TV-Novosti is, at least in part, an attempt to avoid RTTV America being considered a foreign agent. In an October 2012 interview addressing the differences between FARA and the then-draft Russian foreign agent registration law, Simonyan commented that "in America, we are not a foreign agent because we operate through a commercial organization in

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“conditions” of any foreign government or “foreign country,” including but not limited to Russia, T&R also serves as an “information-service employee” by “furnishing, disseminating, or publishing” those programs. 22 U.S.C. § 611(i).

Two additional factors bolster our belief that T&R is engaged in activities requiring registration under FARA. First, T&R operates out of the same office suite in Washington, DC, as RT America, which is part of the RT network, a global multilingual television news network based in Moscow and funded by the Russian government.²⁵ Second, in your LinkedIn profile you describe yourself as “News Director of RT America.” Hence, it appears that the operations of T&R and RT America – and, by extension, the RT Network – are one and the same.

Conclusion

In sum, based on T&R’s contractual relationships and the other factors cited above, we have determined that T&R is an agent of both RT and TV-Novosti, foreign principals under the Act, and that the programming for RT America produced by T&R comes within the above-stated definition of “political activities,” thereby obligating T&R to register under the Act. Further, T&R’s role in producing content in the United States at the order, request, or under the direction or control of TV-Novosti, a foreign principal, means that it is serving both as a “publicity agent” and an “information-service employee,” also triggering an obligation to register under the Act.

To be clear, registration would not require T&R to alter the content of its programming in any manner; indeed, if registered as required, T&R would be free to facilitate the dissemination of any content it chooses. Rather, registration would simply allow media outlets purchasing RT America programming (produced by T&R), and American viewers watching such programming, to be fully informed regarding the foreign influence behind the content on the network.

Please effect T&R’s registration within thirty (30) calendar days of the date of this letter.

America. That is, our broadcasts in America are carried by an American commercial organization, and we simply transfer money to them.” Dozhd Online (July 11, 2012), https://tvrain.ru/teleshov/harddaysnight/margarita_simonjan_o_dzhuliane_assanzhe_pussy_riot_i_gosdepe_polnaja_versija-327931/.

²⁵ See RT Website, <http://www.rt.com>; Bershidky, *supra* n.3; Intelligence Community Report at 12.

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Useful information and forms needed for registration may be found on our website at <http://www.fara.gov>. If you have any questions regarding registration, or have additional information to provide, please contact (b) (6), (b) (7) by telephone at (202) 233-0776 or by e-mail to FARA.public@usdoj.gov.

Sincerely,

Heather H. Hunt
Chief, FARA Registration Unit

Caplin & Drysdale, Chartered