

Recent Developments in Florida Broadcasting Company's Suit Against DOJ Over FARA Registration Requirement

April 3, 2019

A Florida-based broadcasting company [filed suit](#) last year against the Department of Justice ("DOJ"), claiming it should not be required to register under the Foreign Agents Registration Act ("FARA"). The company, RM Broadcasting, broadcasts the radio channel *Sputnik*, whose parent company, Rossiya Segodnya, is owned and operated by the Russian government. *Sputnik* [registered](#) as a foreign agent under FARA in 2017. RM Broadcasting [has a deal](#) with a D.C.-area radio station to broadcast *Sputnik* twenty-four hours a day, seven days a week.

In June 2018, DOJ advised RM Broadcasting that it was [required to register](#) under FARA as a foreign agent by virtue of its services for Rossiya Segodnya. RM Broadcasting filed suit, seeking declaratory judgment that it is not required to register under FARA. In its [complaint](#) filed in October 2018, RM Broadcasting denied being an agent of Rossiya Segodnya, maintaining that it doesn't have "any kind of joint venture relationship whatsoever" with Russian interests and that "this commercial transaction in no way created an agency relationship" with Rossiya Segodnya. DOJ, in turn, [filed a counterclaim](#) for injunctive relief to require RM Broadcasting to register, laying out its case that Rossiya Segodnya "has complete control over the content" of RM Broadcasting's station through its contract and is working "to advance Russian interests" in the U.S. According to DOJ, Rossiya Segodnya uses *Sputnik* to disseminate information to U.S. audiences about Russia and to advance Russian interests.

On March 15, RM Broadcasting [submitted](#) a motion for judgment on the pleadings, maintaining that DOJ's "singular justification for requiring RM Broadcasting's registration is a written contract" between the company and Rossiya Segodnya, which is on its face insufficient to establish a principal-agent relationship, thus RM Broadcasting was not the agent of a foreign principal.

DOJ [responded](#) on March 29 with a cross-motion for judgment on the pleadings, accusing RM Broadcasting of mischaracterizing facts by casting itself as "an independent broker buying and selling radio airtime" when in fact its "operations consist of broadcasting content completely controlled by Rossiya Segodnya." DOJ also maintained that the term "agent of a foreign principal" under FARA is not synonymous with a common-law agency relationship.

Neither motion has been ruled upon yet.

DOJ has recently [cracked down](#) on the U.S. affiliates of state-run media companies, requiring several Chinese and Russian media companies to register as foreign agents. FARA.us will continue to monitor this case as it develops.

For more information, please contact [Olivia N. Marshall](#) at omarshall@capdale.com or 202.862.5076, or another member of [Caplin & Drysdale's Political Law](#) team or visit our blogsite www.FARA.us.

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Washington, DC Office:

One Thomas Circle NW
Suite 1100
Washington, DC 20005
202.862.5000

New York, NY Office:

600 Lexington Avenue
21st Floor
New York, NY 10022
212.379.6000

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