



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
 ) MUR 6779  
 Joel Gilbert, Highway 61 Entertainment )  
 and DFMRM, LLC )

**STATEMENT OF REASON OF  
COMMISSIONER ELLEN L. WEINTRAUB**

The press exemption turns on two questions: “[W]hether the press entity is owned by [a] political party or candidate and whether the press entity was acting as a press entity in making the distribution complained of.”<sup>1</sup> Press entities do not act as press entities when they distribute millions of free DVDs immediately before an election solely in electoral swing states.

4/13/16  
Date

Ellen L. Weintraub  
Ellen L. Weintraub  
Commissioner

<sup>1</sup> *Reader's Digest Ass'n v. FEC*, 509 F. Supp. 1210, 1215 (S.D.N.Y. 1981); *FEC v. Phillips Publishing, Inc.*, 517 F.Supp. 1308, 1313 (D.D.C. 1981).

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