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FEDERAL ELECTIONS
4/16/94

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Ms. Robin Langer
316 Barry Ave.
Chicago, Illinois 60657
(312)549-3981

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May 12, 1992

Mr. Bradley Litchfield
Associate General Council
For Policy
Office of General Council
Federal Election Commission
999 E. Street N.W.
Washington, DC 20464

Dear Mr. Litchfield:

It is at the suggestion of Ms. Kathleen Martin of your office, that I am writing, as she was unable to give me an answer to the followint:

I created and copyrighted a slogan, "BRAINS AND BRAUN", followed by the copy CAROL MOSELEY BRAUN FOR U.S. SENATE, to appear on a T-Shirt. My intent was to sell the shirts and contribute a percentage of the profits to the Braun campaign.

Several times following the primary I phone the campaign office to discuss my project but could find no one in charge, so I went ahead and created the shirt. Last week I spoke with the campaign's treasurer asking to be provided with a listing of upcoming fundraisers as a vehicle for selling shirts. He advised that there was a Federal regulation prohibiting such action and that 100% of the profits must by law, go into the campaign coffers. I am unclear as to whether or not an individual is prohibited from profiting by such a sale under any circumstances, or, just when the product is sold through the specific campaign organization. This is most definitely a private enterprise. Am I legally able to sell the shirts, and if so, with what provisions if any?

As I have already made an investment and if able I am eager to proceed, and would appreciate hearing from you as soon as possible.

Thank you in advance for your interest and assistance in resolving this matter.

Sincerely,

Robin Langer
Robin Langer



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

May 26, 1992

Ms. Robin Langer
316 Barry Ave.
Chicago, Illinois 60657

Dear Ms. Langer:

This refers to your letter dated May 12, 1992, concerning the application of the Federal Election Campaign Act of 1971, as amended, to your sale of T-Shirts.

You state that you have created and copyrighted as part of a private enterprise the slogan, "Brains and Braun," to be included with the words "Carol Moseley Braun for U.S. Senate" on T-Shirts which you intend to sell. It is your desire to market these T-Shirts in cooperation with the Moseley Campaign Committee by having the Committee provide you with a list of upcoming fundraisers which will serve as a vehicle for selling the shirts. After contacting campaign staff, you state that you are unclear as to whether you are prohibited from profiting by such a sale under any circumstances, or just when the product is sold through the specific campaign organization. You wish to know whether you are legally permitted to sell the shirts, and if the Act would apply to the transaction.

This office notes that your request concerns the application of the Act to endors producing possible fundraising items in conjunction with a political campaign. Your attention is directed to Advisory Opinions 1989-21 and 1976-50. These opinions address substantially the same issues as those raised in your inquiry. For your information and guidance, copies of the opinions are enclosed.

The Act authorizes the Commission to issue an advisory opinion in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. §437f(a). Commission regulations explain that such a request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c).

Letter to Ms. Robin Langer
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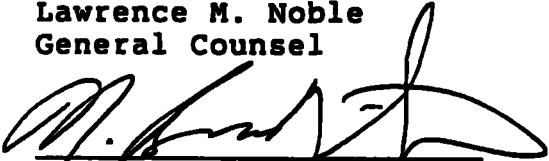
After reviewing the enclosed opinions, you may still wish to request an advisory opinion. If so, this office has determined that additional information from you is necessary to consider your inquiry. Please provide information regarding the corporate status of your enterprise and whether you, or the Committee, will advance funds to begin the enterprise.

Upon receiving your response to this request for information, this office and the Commission will give further consideration to your inquiry as an advisory opinion request. If you have any questions concerning the advisory opinion process, the advisory opinions enclosed, or this letter, please contact the undersigned.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


N. Bradley Litchfield
Associate General Counsel

Enclosures
Advisory Opinions 1989-21 and 1976-50.

RECD.
SEARCHED
INDEXED
SERIALIZED
FILED
Ms. Robin Langer
316 Barry Ave.
Chicago, Illinois 60657
(312) 549-3981

June 4, 1992

Mr. Lawrence Noble
Office of General Counsel
Federal Election Commission
Washington, DC 20464

Dear Mr. Noble:

AOR 1992-22

This is pursuant to your letter (and enclosures) of May 26. Unfortunately, after reading your letter and reviewing the other material, it is still unclear to me as to whether or not I can proceed with the sale of my T-shirts.

Perhaps some additional information will help to clarify what it is that I want to do. I will be selling these shirts as an individual not as a corporation, with no financial input from the Braun campaign. Moreover, to date I have received no answer from the campaign to my inquiries, so it appears that I will have little if any association with them. This will be 100% a private enterprise.

Currently the copy on the shirts reads BRAINS AND BRAUN and in a smaller font below, CAROL MOSELEY BRAUN FOR U.S. SENATE. It would be perfectly acceptable to me to delete the latter if it would simplify matters. In addition, I question whether or not a disclaimer need appear indicating that this is not funded by the campaign; if so, where, how large, wording, etc?

It is difficult for me to evaluate previous rulings by the Commission as to how, or whether or not they might be applicable to me, thus, please, a "yes or no answer". If you are in need of additional information from me to reach a conclusion please do not hesitate to let me know the specifics.

The time factor is most relevant so I would appreciate hearing from you with a definitive answer as soon as possible.

Again, thank you for your time and assistance in resolving this matter.

Sincerely,



Robin Langer

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FEDERAL ELECTION COMMISSION