



Streitz for U.S. Senate 2004



P.O. Box 2360
Darien, CT 06820
March 1, 2004

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Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

AOR 2004-11

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Re: *Restoring America's Prosperity*

Dear Sirs:

This is to seek an advisory opinion. The facts of the matter are as follows:

1. I am a candidate for the Republican nomination for U.S. Senate for Connecticut.
2. I have written and self-published a book, *Restoring America's Prosperity*. The book is on the topics of Free Trade, economics, immigration, college tuitions and school size. If possible, the book may be published by another larger publisher.

As I understand it, revenue generated from the sale of a book is not subject to any restrictions through the campaign finance laws and may be considered personal income.

My question is, "Can a candidate receive appearance fees from book talks concerning the book?" Such book talks would not discuss issues other than the book, would not discuss the candidate's campaign, nor would any campaigning be done such as requesting campaign contributions.

Thank you and I look forward to your opinion.

If you have any questions, please let me know.

Sincerely,

Paul Streitz



FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 12, 2004

Paul Streitz
Streitz for U.S. Senate 2004
P.O. Box 2360
Darien, CT 06820

Dear Mr. Streitz:

This refers to your letter dated March 1, 2004, concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the receipt of appearance fees by a Federal candidate for talks concerning a book he has authored.

You are a candidate for the Republican nomination for U.S. Senator from Connecticut. You have written and self-published a book, *Restoring America's Prosperity*. It covers the topics of free trade, economics, immigration, college tuitions, and school size. You ask whether you may receive appearance fees from talks you may give concerning the book. You state that such book talks "would not discuss issues other than the book, would not discuss the candidate's campaign, nor would any campaigning be done such as requesting campaign contributions."

The Act authorizes the Commission to issue an advisory opinion request 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). 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). The Office of General Counsel shall determine if a request is incomplete or otherwise not qualified as an advisory opinion request. See 11 CFR 112.1(d).


In view of the above requirements, this Office seeks responses to the following questions.

- (1) Your Senate campaign web site refers to the book and offers the book for sale. Do the proceeds from purchases in response to the web site offer go to you or to Streitz for U.S. Senate 2004? Do you treat the proceeds as contributions to your campaign?

- (2) How else has the book been used, and how will it be used, in connection with your campaign? For example, has the book been sold at campaign events? Do any of your campaign materials incorporate material from the book, or otherwise refer to the book? If so, state how.
- (3) Do the contents of your book explicitly refer to your candidacy, or refer to other candidates in the Connecticut Republican Senatorial primary or your prospective opponents in the November 2004 election? If so, describe all such references.
- (4) Describe more fully the book-related appearances. Your description should include, but not be limited to, responses to the following:
 - (a) Will any of the appearances be sponsored by a person or entity other than a bookseller? If so, who are they (either by name or type of entity)?
 - (b) What will be the understanding or agreement between the sponsors and you as to the uses of the appearance fee?
 - (c) Will any of the appearances occur outside of the State of Connecticut? If so, state where such appearances will be and who the sponsors will be.
 - (d) How will the scheduling of the book-related appearances relate to the scheduling of campaign appearances or other campaign events? For example, will book-related appearances be scheduled to occur directly before or after campaign appearances and in the same location as the campaign appearances? Will campaign appearances be so scheduled with respect to the book-related appearances?
 - (e) Will the proceeds from book sales at these appearances go to you as an individual or to the campaign?

Upon receipt of your responses, this Office and the Commission will give further consideration to your inquiry. If you have any questions about the advisory opinion process or this letter, please contact Jonathan Levin, a senior attorney in this Office, at 202-694-1650.

Sincerely,


Rosemary C. Smith
Associate General Counsel



Streitz for U.S. Senate 2004



P.O. Box 2360
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March 22, 2004

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Ms. Rosemary C. Smith
Associate General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

2004 MAR 29 A 2:22
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dear Ms. Smith:

The following is in response to your letter of March 12, 2004.

1. Proceeds from the purchase of the book go to Oxford Institute Press, owned by me. The proceeds of the book do not go to Streitz for U.S. Senate 2004, but to me through Oxford Institute Press. If the book were to be published by someone else, then the proceeds would go to that publisher and I would receive compensation through the publisher. The book would be sold retail and to others such as bookstores, distributors, discounters or other bulk buyers at standard discount rates.
2. The book will not be sold at campaign events. The book will be used as credibility for my views on economics and immigration issues. Campaign materials do not directly incorporate materials in the book. The ideas of the book are, however, my ideas on economics, education and immigration. These ideas are the basis of my campaign. Campaign materials refer to the fact that I am the author of this book.
3. The book does not discuss my candidacy. However, I would expect future book jackets to list the fact that I am the Republican candidate for U.S. Senate in Connecticut, if in fact, that happens. The book refers to many political figures and their political and economic views. It does not refer to any possible primary opponents. It does refer to Senator Dodd and Senator Lieberman from the State of Connecticut and their political positions on immigration and economic issues. Senator Dodd is most likely a political opponent in November 2004.
4. Book-related appearances.
 - a. I cannot tell at this time who might be interested in having a book talk. I would imagine it would include libraries, business groups, economic groups, companies, academic or think-tank groups and schools. I see no limitation other than that the talk be directly related to the topics covered in the book and that I not engage in campaign activities such as passing our literature, discussing other candidates, discussing other issues or seeking campaign contributions.
 - b. The appearance fee would be paid directly to me or to an agent, if in fact an agent were involved. The understanding will be that this is a book appearance and not a campaign appearance, as stated above.
 - c. I have no plans to schedule any appearances out of the state of Connecticut and no sponsors planned.
 - d. Campaign appearances and book appearances will be scheduled independently and not in relation to each other to create a synergy where one is impacting on the other.
 - e. Proceeds will go to me as an author or to an agent, if in fact there is an agent.

If you have any questions, please let me know. And I look forward to your clarification on these matters.

Sincerely,


Paul Streitz