



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 3397

DATE FILMED 11/2/91 CAMERA NO. 2

CAMERAMAN AS

91040874133



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 10, 1991

MEMORANDUM

TO: LAWRENCE C. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: UNAUTHORIZED QUARTERLY FILERS WHICH FAILED TO FILE
THE 1990 12 DAY PRE-GENERAL REPORT BY ELECTION DAY

The attached list of unauthorized committees consists of thirty-two (32) quarterly filers which failed to file a 1990 12 Day Pre-General Report by Election Day, November 6, 1990.

Unlike the mandatory reporting requirement placed upon monthly filers, 2 U.S.C. §434(a)(4)(A)(ii) requires quarterly filers to submit 12 Day Pre-General Reports only if the committees make contributions to or expenditures on behalf of federal candidates in the general election. All unauthorized committees were sent prior notification regarding the pre- and post-general filing requirements on October 1, 1990 (Attachment 33).

The Party/Non-Party Branch conducted a thorough examination to identify quarterly filers disclosing contributions or expenditures between October 1 and October 17, 1990. The research revealed committees that submitted:

- a) 12 Day Pre-General Reports in an untimely manner; or
- b) 30 Day Post-General Reports indicating that 12 Day Pre-General Reports should have been filed.

If you have any questions regarding this matter, please contact Lisa Stolaruk at 376-2480.

Attachment

00001

91040874134

17. C00242503 Louisiana Coalition

91NF-87

91040374135

00003

COMMITTEE ID, NAME AND ADDRESS

CONTACTS
WITH FILER ATCH

REPORTS FILED/
RESPONSES

<p>C00202503 LOUISIANA COALITION AGAINST RACISM AND NAZISM POLITICAL ACTION COMMITTEE INC TREASURER'S NAME: JANE BUCKSBAIN 234 LOYOLA AVENUE SUITE 915 NEW ORLEANS LA 70112</p>	<p>None</p>	<p>Attachments 17a-17g 1990 30 Day Post- General Report filed 12/5/90</p>
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91040374137

Louisiana Coalition
(Attachments 17a - 17g)

00130

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION	TYPE OF FILER
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* LOUISIANA COALITION
CONNECTED ORGANIZATION: NONE

ID 0C00242503 NON-PARTY NON-QUALIFIER

1990 STATEMENT OF ORGANIZATION

REQUEST FOR ADDITIONAL INFORMATION

STATEMENT OF ORGANIZATION - AMENDMENT

24 HOUR CONTRIBUTION NOTICE

24 HOUR CONTRIBUTION NOTICE

24 HOUR CONTRIBUTION NOTICE

24 HOUR CONTRIBUTION NOTICE

24 HOUR CONTRIBUTION NOTICE

24 HOUR CONTRIBUTION NOTICE

STATEMENT OF ORGANIZATION - AMENDMENT

REQUEST FOR ADDITIONAL INFORMATION 2ND

APRIL QUARTERLY

10,600

6,439

APRIL QUARTERLY

- AMENDMENT

12,575

6,439

APRIL QUARTERLY

- AMENDMENT

12,575

6,439

REQUEST FOR ADDITIONAL INFORMATION

JULY QUARTERLY

139,512

84,746

JULY QUARTERLY

- AMENDMENT

135,662

97,947

JULY QUARTERLY

- AMENDMENT

135,662

97,947

PRE-PRIMARY

120,176

255,979

OCTOBER QUARTERLY

51,125

14,988

OCTOBER QUARTERLY

- AMENDMENT

51,125

14,988

POST-GENERAL

42,755

70,578

YEAR-END

2,400

11,764

TOTAL

364,693

0

457,695

0

326 TOTAL PAGES

All reports have been reviewed

Cash-on-hand as of 12/31/90: -\$93,004.64

Debts owed to Committee as of 12/31/90: -0-

Debts owed by Committee as of 12/31/90: \$17,138.16

*An amended Statement of Organization filed 4/14/91 changed the Committee's name.

C0131

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100-443887-100

2. ☐ The committee qualified as a self-inspecting committee (SIRC) for Reporting Period 00 (2000)

CO 132

DETAILED SUMMARY PAGE

Receipts and Disbursements
Page 2, FEC FORM 280

Name of Committee (or Fund)	Report Covering the Period From	Report Covering the Period To
Louisiana Coalition Political Action Committee, Inc.	10/1/90	11/26/90
I. RECEIPTS		
11. CONTRIBUTIONS (other than loans) FROM:	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
(a) Individuals/Persons Other Than Political Committees	37,755.00	330,443.66
(b) Itemized (see Schedule A)	-0-	1,850.00
(c) Unitemized	37,755.00	332,293.66
(d) Total of contributions from individuals	-0-	-0-
(e) Political Party Committees	5,000.00	50,000.00
(f) Other Political Committees (such as PACs)	42,755.00	362,293.66
(g) TOTAL CONTRIBUTIONS (add 11(a), (e), and (f))		
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	-0-	-0-
13. ALL LOANS RECEIVED	-0-	-0-
14. LOAN REPAYMENTS RECEIVED	-0-	-0-
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	-0-	-0-
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	-0-	-0-
17. OTHER RECEIPTS (Dividends, Interest, etc.)	-0-	-0-
18. TOTAL RECEIPTS (add 11(g), 12, 13, 14, 15, 16 and 17)	42,755.00	362,293.66
II. DISBURSEMENTS		
19. OPERATING EXPENDITURES	32,430.90	196,695.73
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	-0-	-0-
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	-0-	750.00
22. INDEPENDENT EXPENDITURES (see Schedule E)	36,022.77	243,827.82
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (see Schedule F)	-0-	-0-
24. LOAN REPAYMENTS MADE	-0-	-0-
25. LOANS MADE	-0-	-0-
26. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	125.00	4,660.00
(b) Political Party Committees	-0-	-0-
(c) Other Political Committees (such as PACs)	-0-	-0-
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))	125.00	4,660.00
27. OTHER DISBURSEMENTS	-0-	-0-
28. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	70,578.67	445,933.55
III. NET CONTRIBUTIONS/OPERATING EXPENDITURES		
29. TOTAL CONTRIBUTIONS (other than loans) (from Line 11(g))	42,755.00	362,293.66
30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))	125.00	4,660.00
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)	42,630.00	357,633.66
32. TOTAL OPERATING EXPENDITURES (from Line 19)	32,430.90	196,695.73
33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)	-0-	-0-
34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)	32,430.90	196,695.73

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SC 111 1609

ITEMIZED INDEPENDENT EXPENDITURES

Also Reviewer 3-4 for interest-0-01

$$\dots \frac{1}{2} \dots \frac{3}{2} \dots$$

Name of Committee (in Full)		C-002-425-03	
Organization Name & Address	Purpose of Expenditure	Date	Amount
LOUISIANA COALITION 1017 Magazine St. New Orleans, LA 70130-3834	Direct Mail	11/4/90	\$720.00
		11/4/90	3,166.85
Politics, Inc. 1920 L. Street NW #200 Washington, D.C. 20036	Consultants	10/9/90	4,000.00
	TV Commercial	10/4/90	5,000.00
		10/4/90	2,500.00 (Bank Transfer)
	TV Commercial	10/4/90	5,200.00 (Bank Transfer)
Franklin Press 1391 Highland Road Baton Rouge, LA 70821	Print Expenses	10/17/90	4609.44
		10/4/90	7566.16
SUBTOTAL			32,742.45

[illegible]

Jane K. Bachman

1-5-92
Date

BOOK 2030-2100-2-2000-2

20

Mr. C. J. ...

Lucy D. C. C.

00134

910, 4, 0, 3, 7, 4, 4, 1

SCHEDULE

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

23

Name of Committee (in Full)		C 002 425 03	
Name, Mailing Address & Zip Code of Each Payee	Purpose of Expenditure	Date Paid	Amount
Kinko's P.O. Box 8033 Ventura, CA 93002	Printing Copying	11/7/90	\$2,000.00
		11/23/90	1,000.00
U.S. Postmaster	Stamps, Mailing.	10/5/90	\$ 50.00
		10/12/90	\$ 100.00
		10/29/90	75.00
		11/2/90	50.00
U.S. Postmaster	Stamps	11/15/90	\$ 100.00
	Stamps, Baton Rouge	10/1/90	\$ 380.00
Quik Print of Baton Rouge - 5005 Florida Blvd. Baton Rouge, LA 70806	Copying Faxing	11/12/90	\$ 290.00
		11/26/90	517.94
Quik Print of New Orleans 316 Baronne St. New Orleans, LA 70112	Copying and Printing	10/12/90	\$ 220.07
		11/7/90	220.07
SUBTOTAL of itemized independent expenditures			37,764.55
SUBTOTAL of unitemized independent expenditures			5,000.00
TOTAL independent expenditures			42,764.55

I, the undersigned, certify that the independent expenditures reported herein were made in cooperation and consultation with the committee and that the committee authorized the expenditures reported herein. I further certify that the expenditures reported herein were made for the purpose of influencing the outcome of the election and were not made for the purpose of influencing the outcome of the election.

James K. Bachman
Signature

Date

00135

SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

3 3

Name of Committee (in Full)		C 002 425 03		
Full Name, Mailing Address & ZIP Code of Each Person	Purpose of Expenditure	Date incurred (day, month, year)	Amount	U.S. Dollars
The Moret Press 2901 Allen Street New Orleans, LA	Envelopes and Letterheads	10/11/90	\$257.24	
a. SUBTOTAL of itemized independent expenditures			257.24	5,122.77
b. SUBTOTAL of unitemized independent expenditures				
c. TOTAL independent expenditures				

Under penalty of perjury, I certify that the independent expenditures reported herein were not made in violation of, or in connection with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures do not involve the financing of a campaign for election or reelection of any individual, or the financing of any campaign or material prepared on the same date as the campaign for election or reelection of any individual.

James K. Buchholz
Signature

Date

Subscribed and sworn to before me on _____
Secretary

Notary Public for the State of _____
Notary

00136

0913404731143

9016 Avenue
Bass, Louisiana 70164



Thank you for using
Return Receipt Service.

Federal Election Commission
999 E. Street, NW
Washington, DC 20463

RETURN RECEIPT
REQUESTED

CERTIFIED

458 773 034

MAIL

RECEIVED
F.E.C.
SECRETARIAT

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

91 AUG 19 PM 4: 06

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD Referral: 91NF 71 - 102
Staff Member Jeffrey D. Long

SOURCE: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS:

91040374145

Louisiana Coalition Against Racism and Nazism
Political Action Committee Inc. and Jane Buchsbaum,
as treasurer

91040874146

RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(A)(ii)

INTERNAL REPORTS CHECKED: Referral Materials
Disclosure Documents

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Report Analysis Division ("RAD") referred the above thirty-two (32) committees and their treasurers to the Office of the General Counsel on May 10, 1991. The basis for the attached RAD referral is the committees' failure to file the 1990 12 Day Pre-General Report in a timely manner in violation of 2 U.S.C. § 434(a)(4)(A)(ii).

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized committees filing quarterly reports shall file a pre-election report before any election in which the committee makes a contribution or expenditure on behalf of a candidate in such election. According to 2 U.S.C. § 434(a)(4)(A)(ii), the pre-election report shall be filed no later than the 12th day before the election and shall be complete as of the 20th day before the election.

With regard to the 1990 general election, unauthorized committees which made contributions or expenditures during the period of October 1 through October 17 were required to file a 12 Day Pre-General Election Report covering that period by

91040374147

October 25, 1990. On October 1, 1990, all unauthorized committees were sent prior notification regarding the filing of the pre-general and post-general reports, which specifically informed quarterly filers of the requirement to file a pre-general report if contributions or expenditures were made during the period between October 1 and October 17, 1990. (Attachment 1, page 253).

Of the thirty-two referred committees, twenty-four of the committees disclosed on their 30 Day Post-General Reports contributions or expenditures for the period between October 1 and October 17, 1990, indicating that the 12 Day Pre-General Reports should have been filed. The remaining eight of the referred committees filed the 12 Day Pre-General Reports but not in a timely manner. Accordingly, the Office of the General Counsel recommends that the Commission open Matters Under Review and find reason to believe that the 32 referred committees and their

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treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file timely the 1990 12 Day Pre-General Report.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

This Office also recommends that the Commission offer to enter into conciliation with the respondents prior to a finding of probable cause to believe.

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PAGES 6 THROUGH 23 DO NOT PERTAIN TO THESE RESPONDENTS.

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IV. RECOMMENDATIONS

1. Open Matters Under Review, find reason to believe that the following committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii) and enter into conciliation prior to a finding of probable cause to believe:

A.

B.

C.

D.

E.

F.

G.

H.

I.

J.

K.

L. Louisiana Coalition Against Racism and Nazism Political Action Committee Inc. and Jane Buchsbaum, as treasurer

M.

N.

O.

P.

Q.

R.

S.

T.

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U.

V.

W.

X.

Y.

Z.

AA.

BB.

CC.

DD.

EE.

FF.

2. Approve the attached Factual and Legal Analyses and conciliation agreements, and the appropriate letters.

Lawrence M. Noble
General Counsel

8-19-91
Date

BY: Lois G. Lerner
Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Factual and Legal Analysis (32)
3. Proposed agreements (32)

91040374153

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Thirty-two Committees and their
treasurers.

) RAD Referrals
) # 91NF 71-102
)

3386

Yo

3417

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session on
August 27, 1991, do hereby certify that the Commission
decided by a vote of 6-0 to take the following actions
with respect to RAD Referrals 91NF 71 - 102:

1. Open Matters Under Review, find reason
to believe that the following committees
and their treasurers violated 2 U.S.C.
§ 434(a)(4)(A)(ii) and enter into
conciliation prior to a finding of
probable cause to believe:

A.

B.

C.

(continued)

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Federal Election Commission
Certification: RAD Referrals
#91NF 71 - 102
August 27, 1991

Page 2

D.

E.

F.

G.

H.

I.

J.

K.

L. Louisiana Coalition Against Racism
and Nazism Political Action
Committee Inc. and Jane Buchsbaum,
as treasurer;

(continued)

91040374155

Federal Election Commission
Certification: RAD Referrals
#91NF 71 - 102
August 27, 1991

Page 3

M.

N.

O.

P.

Q.

R.

S.

T.

U.

91040874156

(continued)

Federal Election Commission
Certification: RAD Referrals
#91NF 71 - 102

Page 4

V.

W.

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Y.

Z.

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DD.

EE.

FF.

(continued)

91040874157

Federal Election Commission
Certification: RAD Referrals
#91NF 71 - 102
August 27, 1991

Page 5

2. Approve the Factual and Legal Analyses, conciliation agreements, and the appropriate letters as recommended in the General Counsel's report dated August 19, 1991.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

9-4-91
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

91040374158



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 13, 1991

CLOSED

Jane Buchsbaum, Treasurer
Louisiana Coalition Against Racism
and Nazism Political Action Committee Inc.
234 Loyola Avenue Suite 915
New Orleans, Louisiana 70112

RE: MUR 3397
Louisiana Coalition Against Racism
and Nazism Political Action
Committee Inc. and Jane Buchsbaum,
as treasurer

Dear Ms. Buchsbaum:

On August 27, 1991, the Federal Election Commission found that there is reason to believe Louisiana Coalition Against Racism and Nazism Political Action Committee Inc. and Jane Buchsbaum, as treasurer ("Committee"), violated 2 U.S.C. § 434(a)(4)(A)(ii), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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Jane Buchsbaum, Treasurer
Page 2

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

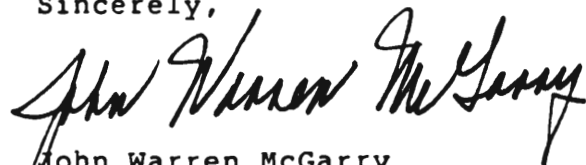
If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Mary-Loretta Taksar, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,



John Warren McGarry
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3397

**RESPONDENTS: Louisiana Coalition Against
Racism and Nazism Political
Action Committee Inc. and
Jane Buchsbaum, as treasurer**

91040874161
The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized committees filing quarterly reports, shall file a pre-election report before any election in which the committee makes a contribution to expenditure on behalf of a candidate in such election. According to 2 U.S.C. § 434(a)(4)(A)(ii), the pre-election report shall be filed no later than the 12th day before the election and which shall be complete as of the 20th day before the election.

With regard to the 1990 general election, unauthorized committees which made contributions or expenditures during the period of October 1 through October 17, were required to file a 12 Day Pre-General Election Report covering that period, by October 25, 1990. On October 1, 1990, all unauthorized committees were sent prior notification regarding the filing of the pre- and post-general reports, which specifically informed quarterly filers of the requirement to file a pre-general if contributions or expenditures were made during the period between October 1 and October 17, 1990.

The Respondents disclosed on their 30 Day Post-General Report contributions or expenditures for the period between October 1 and October 17, 1990, indicating that the 12 Day Pre-General Reports

should have been filed. Therefore, there is reason to believe the Respondents violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to timely file the 1990 Pre-General Election Report.

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Louisiana Coalition

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIN COPY ROOM

91 SEP 30 PM 1:53

September 27, 1991

Ms. Mary-Loretta Taksar
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: MUR 3397

91 SEP 30 PM 3:41

RECEIVED
FEDERAL ELECTION COMMISSION

Dear Ms. Taksar:

I am writing to demonstrate that the Federal Election Commission should take no further action against the Louisiana Coalition Against Racism and Nazism and myself in the matter of MUR 3397.

The Louisiana Coalition Against Racism and Nazism did not file a Pre-General Report covering the period from October 1 to October 17, 1990 because the Louisiana Coalition did not participate in a General Election. The only race in which we were involved in 1990 was the election for a Louisiana seat in the U.S. Senate. That election ended after the open Primary in which one candidate received more than fifty percent of the vote. There was no General Election for that seat.

During the period October 1 to October 17, 1990 the Louisiana Coalition accepted contributions and made expenditures for the purpose of paying debts incurred prior to the Primary Election. The Louisiana Coalition did not accept contributions for the General Election, and made no expenditures for the General Election because there was no General Election in which to participate.

Given the circumstances described above, the Louisiana Coalition beleives that no further action should be taken in this matter.

Should you require any further information, please let us know.

Sincerely,



Jane K. Buchsbaum
Treasurer

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F.E.C.
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

91 OCT -2 PM 4:30

In the Matter of)
Louisiana Coalition Against) MUR 3397
Racism and Nazism Political)
Action Committee, Inc., and)
Jane Buchsbaum, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On August 27, 1991, the Commission found reason to believe the Louisiana Coalition Against Racism and Nazism Political Action Committee, Inc., and Jane Buchsbaum, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(ii), for failure to file the 1990 Pre-General Election Report. The Respondents were sent a proposed conciliation agreement.

On September 30, 1991, the treasurer submitted a response and requested that no further action be taken in this matter. Attachment 1.

II. ANALYSIS

The Respondents are quarterly filers. Under the Federal Election Campaign Act of 1971, as amended ("the Act"), they are required to file a Pre-General Election Report only if they have made contributions to or expenditures on behalf of "a candidate in such election." 2 U.S.C. § 434(a)(1)(A)(ii). The Respondents did not file a 1990 Pre-General Election Report, but instead filed a Post General Election Report. That report disclosed approximately \$29,952.84 in independent expenditures on Schedule E made in opposition to the candidacy of David Duke for the U.S. Senate from October 1 through October 17, 1990.

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The Respondents state that their receipts and disbursements during the October 1 through October 17 period were solely for the purpose of paying bills and debts with respect to the Louisiana Open Primary on October 6, 1990, and that they did not make expenditures with respect to the November 6, 1990, general election. David Duke lost that primary election to the incumbent Senator J. Bennett Johnston, Jr., who received more than half of the votes cast. Under the unique features of the Louisiana election system, Senator Johnston was considered elected. Duke was not a candidate with respect to the November 6, 1990, general election.

Notwithstanding the anomalies of the Louisiana election system, the Commission has previously ruled that an authorized committee of a candidate who won the primary election was still obligated to file a Pre-General Election Report with respect to the November general election. See Advisory Opinion 1984-54. Arguably, the same conclusion would apply to an unauthorized committee making contributions or expenditures to Louisiana candidates with respect to the November general election.

Nevertheless, the situation presented in this matter is distinguishable from that addressed in Advisory Opinion 1984-54. In this matter, the Respondents were making expenditures in opposition to David Duke. As noted, David Duke lost the primary and was not a candidate in the general election. As such, the Respondents' expenditures were not made with respect to a candidate who participated in the general election. Therefore,

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they may not have had to file a Pre-General Election Report. Furthermore, the Louisiana election system has its own unique features that confuse the requirements for filing a Pre-General Election Report.

Accordingly, this Office recommends that the Commission take no further action and close the file in this matter.

III. RECOMMENDATIONS

1. Take no further action against Louisiana Coalition Against Racism and Nazism Political Action Committee, Inc., and Jane Buchsbaum, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

10/2/91
Date

BY:

Lois G. Lerner
Lois G. Lerner
Associate General Counsel

Attachments
1. Response

Staff assigned: George F. Rishel
Mary Taksar

91040374166

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Louisiana Coalition Against)
Racism and Nazism Political) MUR 3397
Action Committee, Inc., and)
Jane Buchsbaum, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 7, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3397:

1. Take no further action against Louisiana Coalition Against Racism and Nazism Political Action Committee, Inc., and Jane Buchsbaum, as treasurer.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated October 2, 1991.,

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

10-8-91
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Wed., Oct. 2, 1991 4:30 p.m.
Circulated to the Commission: Thurs., Oct. 3, 1991 11:00 a.m.
Deadline for vote: Mon., Oct. 7, 1991 11:00 a.m.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 16, 1991

Jane Buchsbaum, Treasurer
Louisiana Coalition Against Racism
and Nazism Political Action Committee Inc.
234 Loyola Avenue Suite 915
New Orleans, Louisiana 70112



RE: MUR 3397
Louisiana Coalition Against Racism
and Nazism Political Action
Committee Inc. and Jane Buchsbaum,
as treasurer

Dear Ms. Buchsbaum:

On September 13, 1991, you were notified that the Federal Election Commission found reason to believe that Louisiana Coalition Against Racism and Nazism Political Action Committee Inc. and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii). On September 27, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on October 7, 1991, to take no further action against Louisiana Coalition Against Racism and Nazism Political Action Committee Inc. and you, as treasurer, and closed the file. The file will be made part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The Commission reminds you that for unauthorized committees filing quarterly reports, the failure to file a pre-election report before any election in which the committee makes a contribution or expenditure on behalf of a candidate in such election appears to be a violation of 2 U.S.C. § 434(a)(4)(A)(ii). You should take immediate steps to insure that this activity does not occur in the future.

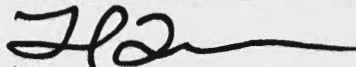
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Ms. Buchsbaum
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If you have any questions, please contact Mary-Loretta
Taksar, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3397

DATE FILMED 11/8/91 CAMERA NO. 2

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