



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 *J.D.G.*
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 FILED ATCH

REPORTS FILED/
RESPONSES

COMMITTEE ID, NAME AND ADDRESS	CONTACTS WITH FILED ATCH	REPORTS FILED/RESPONSES
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	None	Attachments 17a-17g 1990 30 Day Post- General Report filed 12/5/90

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Louisiana Coalition
(Attachments 17a - 17g)

C0130

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION	TYPE OF FILER
* LOUISIANA COALITION				ID 0C00242503 NON-PARTY NON-QUALIFIER			
CONNECTED ORGANIZATION: NONE							
	1990 STATEMENT OF ORGANIZATION			7MAR90	3	90FEC/630/2574	
	REQUEST FOR ADDITIONAL INFORMATION			28MAR90	1	90FEC/632/1370	
	STATEMENT OF ORGANIZATION - AMENDMENT			16APR90	2	90FEC/637/0681	
	24 HOUR CONTRIBUTION NOTICE			20SEP90	4	90SEN/015/3757	
	24 HOUR CONTRIBUTION NOTICE			21SEP90	4	90SEN/016/0046	
	24 HOUR CONTRIBUTION NOTICE			25SEP90	4	90SEN/016/0217	
	24 HOUR CONTRIBUTION NOTICE			1OCT90	4	90SEN/016/0603	
	24 HOUR CONTRIBUTION NOTICE			2OCT90	4	90SEN/016/0599	
	24 HOUR CONTRIBUTION NOTICE			5OCT90	4	90SEN/016/0777	
	STATEMENT OF ORGANIZATION - AMENDMENT			5DEC90	3	90FEC/676/1305	
	REQUEST FOR ADDITIONAL INFORMATION 2ND			19APR90	2	90FEC/637/1339	
	APRIL QUARTERLY	10,600	6,439	5MAR90 -31MAR90	9	90FEC/637/0680	
	APRIL QUARTERLY - AMENDMENT	12,575	6,439	5MAR90 -31MAR90	12	90FEC/652/0302	
	APRIL QUARTERLY - AMENDMENT	12,575	6,439	5MAR90 -31MAR90	13	90FEC/652/0162	
	REQUEST FOR ADDITIONAL INFORMATION			5MAR90 -31MAR90	1	90FEC/651/1768	
	JULY QUARTERLY	139,512	84,746	1APR90 - 5JUL90	45	90FEC/648/1635	
	JULY QUARTERLY - AMENDMENT	135,662	97,947	1APR90 -30JUN90	44	90FEC/652/0180	
	JULY QUARTERLY - AMENDMENT	135,662	97,947	1APR90 -30JUN90	46	90FEC/657/2450	
	PRE-PRIMARY	120,176	235,979	1JUL90 -16SEP90	53	90FEC/657/2367	
	OCTOBER QUARTERLY	51,125	14,988	17SEP90 -30SEP90	23	90FEC/664/0126	
	OCTOBER QUARTERLY - AMENDMENT	51,125	14,988	17SEP90 -30SEP90	3	90FEC/676/1338	
	POST-GENERAL	42,733	70,578	1OCT90 -26NOV90	32	90FEC/676/1341	
	YEAR-END	2,400	11,764	27NOV90 -31DEC90	10	91FEC/684/2136	
	TOTAL	364,693	0 457,693		0		326 TOTAL PAGES

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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.

REPORT OF RECEIPTS AND DISBURSEMENTS

By Other Than An Authorized Committee (Summary Page)

90 DEC -9 AM 7:39

USE REC MAILING LABEL ON FRONT

1 NAME OF COMMITTEE (in full)
 Louisiana Coalition Political Action Committee, Inc.
 ADDRESS (number and street) Check if different than previously reported
 734 Loyola Avenue, Suite 915 (234 Loyola Building)
 CITY, STATE and ZIP CODE
 New Orleans, Louisiana 70112

2 FEC IDENTIFICATION NUMBER
 C00242503
 3 The committee qualified as a multi-state committee during this Reporting Period

4. TYPE OF REPORT

- (a) April 15 Quarterly Report
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 31 Year End Report
- July 31 Mid Year Report (Non-election Year Only)
- Termination Report

- Monthly Report Due On:
- February 28 June 30 October 31
 - March 31 July 31 November 30
 - April 30 August 31 December 31
 - May 31 September 30 January 31

- Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
- Thirtieth day report following the General Election on _____ in the State of _____

(b) Is this Report an Amendment? YES NO

post-general election report period covered 10/1 to 11/26/90

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	90/1/90 through 11/26/90		
6. (a) Cash on Hand January 1, 1990			\$ -0-
(b) Cash on Hand at Beginning of Reporting Period		\$ -55,816.22	
(c) Total Receipts (from Line 1B)		\$ 42,755.00	\$ 362,293.66
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ -13,061.22	\$ 362,293.66
7. Total Disbursements (from Line 2B)		\$ 70,578.67	\$ 445,953.55
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ -83,639.89	\$ -83,639.89
9. Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)		\$ -0-	
10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)		\$ 19,341.35	

For further information contact:
 Federal Election Commission
 999 E Street, NW
 Washington, DC 20463
 Toll Free 800-424-9530
 Local 202-376-3120

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete

Type or Print Name of Treasurer
 Jane K. Buchsbaum
 Signature of Treasurer
Jane K. Buchsbaum
 Date
 12-2-90

NOTE: Submission of false, erroneous or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

FEC FORM 3X
 Revised 4/89

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DETAILED SUMMARY PAGE

Reporting and Disbursements
Form 8, FEC FORM 280

Name of Committee for Louisiana Coalition Political Action Committee, Inc.		Report Covering the Period From 10/1/90 To 11/26/90	
		Column A Total This Period	Column B Calendar Year-To-Date
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(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)		38,022.77	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 111-1688

ITEMIZED INDEPENDENT EXPENDITURES

Page 1 of 3

(See Reverse Side for Instructions)

Name of Committee (in Full) **LOUISIANA COALITION** No. **(C-002-425-03)**

Name of Vendor or Service Provider	Purpose of Expenditure	Date of Expenditure	Amount	Account Number
Monahan Bros., Inc. 1017 Magazine St. New Orleans, LA 70130-3884	Direct Mail	11/1/90 11/9/90	\$720.00 3,166.85	DAVID DUKE U.S. SENATE
Politics, Inc. 1920 L Street, NW #200 Washington, D.C. 20036	Consultants TV Commercial	10/9/90 10/4/90 10/4/90	4,000.00 5,000.00 2,500.00 (Bank Transfer)	X
	TV Commercial	10/4/90	5,200.00 (Bank Transfer)	X
Franklin Press 1391 Highland Road Baton Rouge, LA 70821	Print Expenses	10/17/90 10/4/90	4609.44 7566.16	X

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2777

SUBTOTAL: 32,762.45

James K. Bachmann 1-5-90
Signature Date

James D. Cook
Signature

00184

SCHEDULE

ITEMIZED INDEPENDENT EXPENDITURES

Page 2 of 3

(See Reverse Side for Instructions)

Name of Committee (in Full)		C 002 425 03	
Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date	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 Stamps, Baton Rouge	11/15/90	\$ 100.00
		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
a. SUBTOTAL of itemized independent expenditures			37,764.05
b. SUBTOTAL of unitemized independent expenditures			5,000.00
c. TOTAL independent expenditures			

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Under penalty of perjury, I certify that the independent expenditures reported herein were made in accordance with the requirements of the Federal Election Campaign Act of 1971, and that the expenditures were not made in violation of the provisions of the Act.

James K. Bush
Signature

Date

00135

SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

3 3

Name of Committee (in Full) LOUISIANA COALITION			C 002 425 03	
Full Name, Mailing Address & ZIP Code of Each Recipient	Purpose of Expenditure	Date (month and year)	Amount	U.S. District Court
The Moret Press 2901 Allen Street New Orleans, LA	Envelopes and Letterheads	10/11/90	\$257.24	<input checked="" type="checkbox"/>
a. SUBTOTAL of itemized independent expenditures			257.24	1,227.77
b. SUBTOTAL of unitemized independent expenditures				
c. TOTAL independent expenditures				

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Under penalty of perjury, I certify that the independent expenditures reported hereon were not made in violation of, or in concert with, or at the request or suggestion of, or for the benefit of, any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures do not include the financing of a campaign for the election or reelection of a candidate in a party or campaign or materials prepared by the candidate or campaign for the election of the candidate.

James K. Buchholz
 Signature Date

Such document is to be filed with the Commission on the date of filing of this report.

Secretary
 M. Commissioner of the State

7016 Avenue

7016 Avenue



Thank you for using
Return Receipt Service.

Federal Election Commission
999 E. Street, NW
Washington, DC 20403

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

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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.

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U.

V.

W.

X.

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- 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)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Thirty-two Committees and their)
treasurers.)

RAD Referrals
91NF 71-102

(Handwritten)
3386
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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)

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

Page 3

M.

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(continued)

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

Page 4

V.

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(continued)

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:

9-14-91
Date

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

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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

91040374160

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

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

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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

00C 2968

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

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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.

dr

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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
MUR 3397
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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

CAMERAMAN AS

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