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December 29, 2000

Hon. Darryl R. Wold  
Chairman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 4843

Dear Chairman Wold:

This letter is intended to supplement my letter to you dated March 20, 2000. Accordingly, I am respectfully requesting that it be included in the Commission's file and become part of the public record.

In the strongest possible terms, the Friends of Maurice Hinchey Committee ("Friends"), rejects any contention that it violated 2 U.S.C. Sections 441b and 441f. As categorically stated in my earlier letter, Friends had no knowledge that:

- the finance operation of the campaign was conducted, in part, out of Besicorp's corporate headquarters;

- phone and mail solicitations to the campaign were organized and carried on from Besicorp's headquarters;

- contributions to the campaign were regularly received, tabulated and recorded at Besicorp's headquarters; and,

- from July through November 1992, a number of Besicorp employees devoted a significant portion of their normal work day to work on the campaign.

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As FEC staff readily admits, Sections 441b and 441f do not impose strict liability. A person must have knowledge of wrongdoing in order to violate these prohibitions. The only in-kind Besicorp contribution cited which Friends acknowledges is that some meetings of the campaign finance committee were conducted in a conference room at Besicorp. In my March 20, 2000 letter to you, I stated that our best recollection was that Friends reimbursed Besicorp for such services. Since that letter, FEC staff was kind enough to search FEC files, at our request, for evidence of a Friends reimbursement. The search found that Friends, as we believed, reimbursed Michael Zinn on June 18, 1993 for office supplies. That reimbursement negates any wrongdoing by Friends.

Accordingly, Friends objects, again in the strongest possible terms, to the Commission including any and all references in the Factual and Legal Analysis, to any wrongdoing by Besicorp, Michael Zinn and Ansaldo. While the law recognizes the principle of a third-party beneficiary, the law does not recognize any converse principle. Yet, references to Besicorp, Michael Zinn and Ansaldo in these FEC documents have the effect of associating Friends and Mr. Frank Koenig to these wrongdoers. This is so despite the fact that Friends, no less Mr. Koenig, can not be legally responsible for activities about which they had no knowledge.

Very truly yours,



David Lenefsky

cc: April Sand, esq.  
dl:tfd

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