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Subject FW: FEC's Procedure for Disclosure of Exculpatory  
Evidence in the Enforcement Process

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**From:** Simmons, Nancy  
**Sent:** Monday, May 23, 2011 3:55 PM  
**To:** docdisclosure@fec.gov  
**Cc:** Pilger, Richard; Hulser, Raymond  
**Subject:** FEC's Procedure for Disclosure of Exculpatory Evidence in the Enforcement Process

This provides the comments of the Public Integrity Section of the Department of Justice on two May 4, 2011 proposals, by Chair Cynthia L. Bauerly and Commissioner Ellen L. Weintraub and by Commissioner Steven T. Walther, regarding the Commission's Agency Procedure for Disclosure of Exculpatory Evidence in the Enforcement Process.

To protect the integrity and efficacy of criminal enforcement efforts, the Public Integrity Section prefers the proposal by Commissioners Bauerly and Weintraub, which would require the mandatory withholding of information submitted by the Justice Department to the Commission upon request of the Department.

We also recommend adding a provision to both proposals that would protect from disclosure not only the information submitted by the Department but also any information that was derived from such information, including all separate documents quoting, summarizing, or otherwise using information provided by the Department.

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