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December 7, 2010

Via Electronic Mail

Mr. Gary J. Cohen
General Counsel
Financial Crisis Inquiry Commission
1717 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20006

Re: Use of Potentially Confidential Interview Material

Dear Mr. Cohen:

As counsel for Mr. Ludwig, I wish to convey his appreciation for the Financial Crisis Inquiry Commission's recognition of potential sensitivities regarding possible inclusion in the public record of Mr. Ludwig's interview with Commission staff and for this opportunity to apprise the Commission of portions of the interview that Mr. Ludwig considers confidential or otherwise inappropriate for public release.

Mr. Ludwig has a strong respect for the Commission's mission, and accordingly he endeavored during his interview to be responsive and direct in answering questions from Commission staff that covered a broad range of complex and variegated issues concerning the systemic causes of the economic crisis. As noted previously, Mr. Ludwig sought to avoid specific comment about individuals or entities with which he has worked previously or is working now.

Having reviewed Mr. Ludwig's interview audio file with a presumption in favor of release, we identified only a handful of statements that Mr. Ludwig requests be maintained in confidence. They are identified below by reference to the time stamp of the audio file, per the instruction of Ms. Waskowicz.

[Before and after 01:16:00 (Mr. Ludwig's answer beginning "His name was S..." and ending "... Which we did.")]** – Anecdotes about private individuals. Mr. Ludwig also wishes to clarify that his position at Banker's Trust was Vice Chairman.

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[After 01:32:00 (the portion beginning “A benign . . .” and ending “. . . went off the rail.”)]
– Personal observations about specific entities.

[Between 01:38:00 and 01:40:00 (the portion beginning “Well, I, we worked a lot with . . .” and ending “. . . great deal of personal fortitude.”)] – Personal observations about specific individuals and organizations.

I am happy to discuss this matter further with you or members of your staff, and I look forward to hearing back from the Commission regarding this reasonable request to refrain from including these limited passages in any public release of Mr. Ludwig’s interview.

This will also confirm Commission staff’s agreement to notify me in advance of any intention to quote or paraphrase Mr. Ludwig in the Commission’s final report, so that he may have an opportunity to verify any attributed statement and, if appropriate, offer further comment or clarification.

Thank you for your consideration.

Sincerely,



Eric C. Bosset

ECB/msp

cc: Mr. Eugene Ludwig