

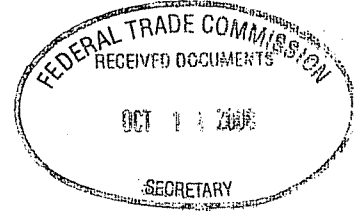
P E M B E R T O N

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October 13, 2008

Donald S. Clark, Office of the Secretary
Federal Trade Commission
Room H-135, 600 Pennsylvania Avenue, NW
Washington, DC 20580



Re: Proposed Consent Order
In the Matter of Reed Elsevier and ChoicePoint, FTC File No. 081-0133

Dear Mr. Clark:

I am an attorney and private investigator writing you regarding the proposed consent order and acquisition of ChoicePoint by Reed Elsevier. Most of my work is court-appointed capital litigation in which I am providing legal and investigative services demanded by the Sixth Amendment to the United States Constitution. I rely extensively on services provided by both Reed Elsevier and ChoicePoint and their subsidiaries to assist me in carrying out the constitutional obligation to provide effective representation to persons charged with capital crimes.

Over the past several years there has been tremendous consolidation among providers of public records services. This proposed acquisition will further reduce competition in the industry. Although there are several providers of data services in the marketplace, they are merely resellers of data provided by the respondents.

The Commission's complaint found that this acquisition would be anticompetitive and a violation of antitrust law in the market for the sale of public records information to law enforcement agencies. The same effects would be felt in the market for sale of public records to the private sector. Colleagues of mine have already felt the sting of anticompetitive behavior by ChoicePoint.

It is important to have access to data from several suppliers during the conduct of an investigation. Limited resources reduce both the quality and quantity of information available. I urge the Commission not to approve the acquisition until respondents can divest themselves of public records services provided to private industry as well as to law enforcement.

Thank you for your consideration.

Sincerely,

Nancy S. Pemberton

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