

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	)	
	)	
v.	)	CR. NO. 05-394 (RBW)
	)	
I. LEWIS LIBBY,	)	
also known as "Scooter Libby,"	)	
Defendant.	)	

**PROPOSED ORDER**

Upon consideration of the Third Motion of I. Lewis Libby to Compel Discovery Under Rule 16 and *Brady*, and of the government’s response thereto, it is hereby

ORDERED that the Office of Special Counsel shall disclose to the defendant the following documents within the government’s possession, custody or control, and information that is known or that by the exercise of reasonable diligence may become known to the Office of Special Counsel:

1. All documents and information generated or received by the State Department, the CIA, the Executive Office of the President and/or the National Security Council (“NSC”), concerning Mr. Wilson’s trip to Niger, including

- a. the origins of Mr. Wilson’s trip to Niger, including any role played by Ms. Wilson in connection with the trip;
- b. reports about the trip; and
- c. subsequent discussion, comment or analysis concerning the trip, including government documents concerning the trip and/or Ms. Wilson’s role in it, that were generated after May 6, 2003.

2. All documents or communications reflecting any possible attempt or plan by any government official to punish or seek revenge against Mr. Wilson or Ms. Wilson.

3. All documents reflecting Mr. Wilson's communications with officials at the State Department or other government agencies concerning his trip to Niger or the "sixteen words."

4. All documents relating to the possible declassification of the 2002 National Intelligence Estimate ("NIE") (in whole or in part).

5. All documents relating to or reflecting public comments by government officials about the NIE or its contents prior to July 18, 2003.

6. All documents reflecting discussions within the government of whether to release a public statement during the week of July 7, 2003 regarding the inclusion of the "sixteen words" in the 2003 State of the Union Address, including all drafts of the July 11, 2003 statement issued by Director of Central Intelligence George Tenet.

7. Any notes from the September 2003 meeting in the Situation Room at which Colin Powell is reported to have said that (a) everyone knows that Mr. Wilson's wife worked at the CIA and that (b) it was Mr. Wilson's wife who suggested that the CIA send her husband on a mission to Niger.

8. The CIA's criminal referral to the Department of Justice ("DOJ") concerning the disclosure of Ms. Wilson's affiliation with the CIA, and all documents referenced or relied upon in the preparation of the referral.

9. All documents or information concerning the identity of any government official outside the CIA who was aware prior to July 14, 2003 that Ms. Wilson worked for the CIA.

As used in this Order, the term "documents" includes all written or recorded materials of any kind, all e-mails and electronically stored information, and all video or audio

recordings. In addition, as used in this Order, the term “government” includes the Department of Justice, the Central Intelligence Agency, and the White House and the State Department.

Dated: \_\_\_\_\_

\_\_\_\_\_  
HON. REGGIE B. WALTON  
UNITED STATES DISTRICT JUDGE

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