

**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.")
)

**PROPOSED AGREED INSTRUCTION CONCERNING THE STAMP ON THE
APPROXIMATELY JUNE 12 NOTE**

The parties have agreed that the "Treated as Top Secret/SCI" or "Treated as Secret/SCI" stamp should be removed from all versions of Mr. Libby's approximately June 12, 2003 note that are in evidence and that David Addington's testimony about the stamp at pages 12-14 of the January 30 (p.m.) transcript should be disregarded. In addition, the parties agree that neither party will make any argument relating to the stamp or its absence from the note. And the parties agree that the Court should give the following instruction concerning the stamp:

You may recall seeing a stamp that began with the words "treated as" on Mr. Libby's June 2003 note of his conversation with the Vice President. That stamp has been removed from the exhibits in evidence, and I instruct you that you should disregard the evidence concerning that stamp, including the testimony from Mr. Addington about it during the January 30, 2007 afternoon session. The stamp and Mr. Addington's testimony about it on January 30 may not be considered for any purpose.

Date: February 14, 2007

Respectfully submitted,

/s/

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