

**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’S PROPOSED INSTRUCTION CONCERNING THE INTELLIGENCE
IDENTITIES PROTECTION ACT**

Prosecution witness David Addington testified that he provided Mr. Libby with a copy of the Intelligence Identities Protection Act, 50 U.S.C. § 421. E.g., T. 1/30/07 at 8-9. The IIPA is alluded to again in Mr. Libby’s grand jury testimony. E.g., March 5, 2004 Grand Jury T. at 3. It may well be mentioned again in the course of the trial. To ensure that the references to the statute do not confuse the jury and prejudice Mr. Libby, we ask the Court to give the following instruction:

You have heard references to the Intelligence Identities Protection Act, or IIPA, which appears at Title 50 of the United States Code, Section 421. The IIPA makes it unlawful to disclose information identifying a covert agent to a person not authorized to receive classified information, when (1) the person making the disclosure knows that the United States is taking affirmative measures to conceal the covert agent’s relationship to the United States, and (2) the person acts knowingly and intentionally. You should keep in mind that Mr. Libby is not charged with violating the IIPA. Evidence concerning the statute has been admitted solely for any bearing it may have on Mr. Libby’s state of mind. You may not consider that evidence for any other purpose.

Date: February 6, 2007

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February 2007, a copy of the Defendant's Proposed Instruction Concerning the Intelligence Identities Protection Act was served by hand upon:

Patrick Fitzgerald, Esquire
Kathleen Kedian, Esquire
Peter Robert Zeidenberg, Esquire
U.S. Department of Justice
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