

**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.)	

RECORD OF PRE-TRIAL PUBLICITY

As previously noted by the defense, the pretrial publicity in this case has been significant and in many cases has included inaccurate and inflammatory statements and assertions that are unduly prejudicial to Mr. Libby. Therefore, in connection with the voir dire, the defense will need to ask certain venire members about their exposure to such publicity and probe whether that exposure has affected their ability to impartially judge the facts in this case. Such individualized voir dire is necessary to give the Court an adequate basis for determining whether the venire member will be able to render a verdict based on the evidence adduced at trial, and not incomplete facts and speculation circulating before trial. *See United States v. Liddy*, 509 F.2d 428, 434-35 (D.C. Cir. 1974). Attached to this pleading are a sample of instances of publicity about which the defense may want to question jurors.

Dated: January 16, 2007

Respectfully submitted,

_____/s/
Theodore V. Wells, Jr.
(D.C. Bar No. 468934)
James L. Brochin
(D.C. Bar No. 455456)
Paul, Weiss, Rifkind, Wharton

_____/s/
William H. Jeffress, Jr.
(D.C. Bar No. 041152)
Alex J. Bourelly
(D.C. Bar No. 441422)
Baker Botts LLP

& Garrison LLP
1285 Avenue of the Americas
New York, NY 10019-6064
(212) 373-3089

1299 Pennsylvania Ave., NW
Washington, DC 20004
(202) 639-7751

/s/

John D. Cline
(D.C. Bar No. 403824)
K.C. Maxwell
(*pro hac vice*)
Jones Day
555 California Street, 26th Floor
San Francisco, CA 94104
(415) 626-3939