

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

MAR 6 2007

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

\_\_\_\_\_  
UNITED STATES OF AMERICA,  
  
v.  
  
I. LEWIS LIBBY,  
  
Defendant.  
\_\_\_\_\_

Criminal No. 05-394 (RBW)

**Responses to Jury Note**

**Response to Questions One and Two:**

Mr. Libby is charged in Count Three with knowingly making a false statement to the FBI during interviews on October 14 and November 26, 2003; namely, the statement that:

"During a conversation with Matthew Cooper of *Time* magazine on July 12, 2003, Mr. Libby told Mr. Cooper that reporters were telling the administration that Mr. Wilson's wife worked for the CIA, but that Mr. Libby did not know if this was true."

Count Three charges that the above statement was false in that Mr. Libby did not advise Mr. Cooper on or about July 12, 2003, that reporters were telling the administration that Mr. Wilson's wife worked for the CIA, nor did Mr. Libby advise Mr. Cooper on that date that Mr. Libby did not know whether the information regarding Ms. Wilson's employment was true. Count Three alleges that, rather, Mr. Libby confirmed for Mr. Cooper, without qualification, that Mr. Libby had heard that Mr. Wilson's wife worked at the CIA.

To be clear, Mr. Libby is charged in Count Three with making a false statement to the FBI about what was said during his July 12, 2003, conversation with Mr. Cooper. Mr. Libby is not charged with making a false statement to Mr. Cooper.

You have asked with respect to Count Three "[I]s the allegation that Libby did know Mrs. Wilson worked for the CIA when he spoke to the FBI on 10/14/03 or 11/26/03?" You have also asked "Is the prosecution's allegation in Count 3, that Mr. Libby DID know that Mr. Wilson's wife worked for the CIA when he made statements to the FBI on 10/14/03 OR 11/26/03 ....?" To be clear, Count Three does not allege, nor does the prosecution contend, that Mr. Libby told the FBI that, at the time of his FBI interviews, he did not know that Mr. Wilson's wife worked for the CIA.

**Response to Question Three:**

With respect to your third question, the charge in Count Three relates solely to Mr. Libby's statement during his FBI interviews, and not to any of his testimony before the grand jury. Concerning the false statement to the FBI charged in Count Three, you may consider Mr. Libby's grand jury testimony in March 2004, along with all other evidence admitted at trial, to the extent you find it helpful in deciding whether the government has proven beyond a reasonable doubt each of the elements as described in the instructions.

*Judith Walsh*  
3/6/07