

ATTACHMENT



Office of Special Counsel

Patrick J. Fitzgerald
Special Counsel

Chicago Office: Dirksen Federal Building
219 South Dearborn Street, Fifth Floor
Chicago, Illinois 60604
(312) 553-5300

Washington Office: Bond Building
1400 New York Avenue, Ninth Floor
Washington, DC 20530
(202) 514-1187

Please address all correspondence to the Washington Office

Via Telefax & Regular Mail

February 21, 2006

John D. Cline, Esq.
JONES DAY
555 California Street
San Francisco, CA 94104

Theodore V. Wells, Esq.
PAUL WEISS LLP
1285 Avenue of the Americas
New York, NY 10019-6064

William Jeffress, Esq.
BAKER BOTTS
The Warner
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004-2400

Joseph A. Tate, Esq.
DECHERT LLP
Cira Centre
2929 Arch Street
Philadelphia, PA 19103

Re: United States v. J. Lewis Libby

Dear Counsel:

The following information is in response to your request for "all documents relating to the CIA's criminal referral to the Department of Justice concerning the disclosure of Mrs. Wilson's affiliation with the CIA." After consultation with the CIA, we advise that we view any such documents in our possession as not discoverable. The documents remain classified and contain information compiled for law enforcement purposes that is neither material to the preparation of the defense, nor exculpatory as to Mr. Libby. In addition, the documents are protected from disclosure because they contain inter-agency, pre-decisional preliminary evaluations and recommendations of government officials covered by the deliberative process privilege. Moreover, the documents also contain legal analysis and opinion prepared by a CIA attorney, as well as communications between the CIA attorney and the Department of Justice, that are protected from disclosure by attorney-client communications privilege and the attorney work product privilege.

Should you have any questions or comments regarding any of the foregoing, or should you wish to discuss this matter generally, please do not hesitate to call me at the number listed above.

Very truly yours,

Kathleen M. Kedian
Deputy Special Counsel