

David B. Smallman (DS-5316)
WOLLMUTH MAHER & DEUTSCH LLP
500 Fifth Avenue
New York, New York 10110
(212) 382-3300

*Attorneys for Plaintiffs Valerie Plame Wilson
and Simon & Schuster, Inc.*

UNITED STATES DISTRICT COURT Case 107 CV 04595-BSJ
SOUTHERN DISTRICT OF NEW YORK

VALERIE PLAME WILSON;	:	x
SIMON & SCHUSTER, INC.,	:	
Plaintiffs,	:	Case No. 07 CV 4595 (BSJ)
v.	:	
J. MICHAEL MCCONNELL, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF NATIONAL INTELLIGENCE;	:	DECLARATION OF DAVID B. SMALLMAN IN SUPPORT OF THE MOTION FOR SUMMARY JUDGMENT AND FOR A PERMANENT INJUNCTION OF VALERIE PLAME WILSON AND SIMON & SCHUSTER, INC.
CENTRAL INTELLIGENCE AGENCY; MICHAEL V. HAYDEN, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF CENTRAL INTELLIGENCE AGENCY,	:	
Defendants.	:	

I, David B. Smallman, declare as follows:

1. I am a member of the Bar of this Court and a member of Wollmuth Maher & Deutsch LLP, attorneys for plaintiffs Valerie Plame Wilson (“Valerie Wilson”) and Simon & Schuster, Inc. (“Simon & Schuster”) (collectively “plaintiffs”), in the above-captioned action. I make this declaration in support of plaintiffs’ motion – pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 56.1 of the Local Civil Rules of the United States District Court for the Southern District of New York – for an Order granting summary judgment of plaintiffs as to

their complaint filed on May 31, 2007 ("Complaint"). I make this declaration on the basis of my personal knowledge, except where indicated otherwise.

2. A true and correct copy of Plaintiffs' Complaint is annexed hereto as Exhibit A, together with true and correct copy of attached Exhibit A (Congressional Record-Extension of Remarks, "Introduction of the Valerie Plame Wilson Compensation Act," January 16, 2007, E-
[Case 1:07-cv-04595-BSJ Document 11 Filed 06/29/2007](#) 118-119; THOMAS (Library of Congress, <http://www.thomas.gov>), annexed hereto as Exhibit A-1, and a true and correct copy of attached Exhibit B (February 10, 2006 letter in the form marked "SECRET" and "APPROVED FOR RELEASE/DATE: APR 2007," received from defendant CIA on April 25, 2007), annexed hereto as Exhibit A-2.

3. A true and correct copy of an e-mail string including the following e-mails: from Brian Bonlender, Chief of Staff, Congressman Jay Inslee, to Joseph Wilson, dated November 3, 2005, including attached draft legislation dated October 31, 2005, "A Bill for the relief of Valerie Plame Wilson"; from Valerie Wilson to Brian Bonlender, dated November 15, 2005; from Brian Bonlender to Valerie Wilson, dated November 15, 2005; from Valerie Wilson to Brian Bonlender, dated November 16, 2005; from Brian Bonlender to Valerie Wilson, dated November 17, 2005; from Valerie Wilson to Brian Bonlender, with attached "memo," dated November 28, 2005; from Brian Bonlender to Valerie Wilson, dated November 28, 2005; from Valerie Wilson to Brian Bonlender, dated December 5, 2005; from Brian Bonlender to Valerie Wilson, dated December 5, 2005; from Valerie Wilson to Brian Bonlender, dated February 26, 2006; from Brian Bonlender to Valerie Wilson, dated February 27, 2006; from Valerie Wilson to Brian Bonlender, dated February 28, 2006; from Brian Bonlender to Valerie Wilson, dated February 28, 2006, is annexed hereto as Exhibit B (filed under seal, pursuant to Stipulation and Protective Order dated June 28, 2007).

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4. A true and correct copy of a letter dated January 9, 2006, from David B.

Smallman to Ginger A. Wright, with attachments, is annexed hereto as Exhibit C.

5. A true and correct copy of a letter from Valerie Wilson to Hon. Jay Inslee, without footer or facsimile header, dated January 12, 2007, is annexed hereto as Exhibit D.

6. A true and correct copy of H.R. 501, a bill introduced in the House of
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Representatives by Congressman Inslee on January 16, 2007, is annexed hereto as Exhibit E.

7. A true and correct copy of a letter from Christopher J. Walker to Hon. Karen Haas, dated January 23, 2007, is annexed hereto as Exhibit F.

8. A true and correct copy of a letter dated January 31, from David B. Smallman to Ginger A. Wright, with attachments, is annexed hereto as Exhibit G.

9. A true and correct copy of a letter dated February 16, 2007, from David B. Smallman to Ginger A. Wright, with attachments, is annexed hereto as Exhibit H.

10. A true and correct copy of a letter dated April 17, 2007, from David B. Smallman to John A. Rizzo, with attachments, is annexed hereto as Exhibit I.

11. A true and correct copy of a letter dated April 27, 2007, from David B. Smallman to J. Michael McConnell, with attachments, is annexed hereto as Exhibit J.

12. A true and correct copy of letters dated, respectively, May 2, 2007, from David B. Smallman to Benjamin A. Powell, May 4, 2007, from David B. Smallman to Tricia S. Wellman, May 11, 2007, from David B. Smallman to Tricia S. Wellman, and May 17, 2007, from David B. Smallman to Tricia S. Wellman, as sent via fax on those dates, are annexed hereto as Exhibit K.

13. A true and correct copy of the Government's Sentencing Memorandum in *United States v. Libby*, CR. No. 05-394 (D.D.C.), dated May 25, 2007, is annexed hereto as Exhibit L.

14. A true and correct copy of the Government's Memorandum of Law in Support of Its Proposed Sentencing Guidelines Calculations in *United States v. Libby*, CR. No. 05-394 (D.D.C.), dated May 25, 2007, is annexed hereto as Exhibit M, together with a true and correct copy of Exhibit A ("Unclassified Summary of Valerie Wilson's CIA Employment and Cover History," filed May 25, 2007), is annexed hereto as Exhibit M-1, and a true and correct copy of [Case 1:07-cv-04595-BSJ Document 11 Filed 06/29/2007](#) Exhibit B (Federal News Service, May 16, 2007, "Panel I of a hearing of the House Committee on Oversight and Government Reform, Subject: Whether the White House Officials Followed Appropriate Procedures for Safeguarding the Identity of CIA Agent Valerie Plame Wilson, Chaired by: Representative Henry Waxman (D-CA), Witness: Valerie Plame Wilson, Former CIA Employee," filed May 25, 2007), is annexed hereto as Exhibit M-2.

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15. A true and correct copy of a *New York Times* article, "Agent in Leak Case Sues C.I.A. for Blocking the Release of Her Memoir," dated June 1, 2007, is annexed hereto as Exhibit N.

16. A true and correct copy of the title page, copyright page, and pages 344-45 of the book titled THE POLITICS OF TRUTH, by Ambassador Joseph Wilson, is annexed hereto as Exhibit O.

17. A true and correct copy of 50 U.S.C. Sec. 2152, as available from the Office of the Law Revision Counsel, U.S. House of Representatives, referenced in Sec. 2 of H.R. 501, The Valerie Plame Wilson Compensation Act, is annexed hereto as Exhibit P.

18. A true and correct copy of 50 U.S.C. Sec. 2053, as available from the Office of the Law Revision Counsel, U.S. House of Representatives, referenced in Sec. 2 of H.R. 501, The Valerie Plame Wilson Compensation Act, is annexed hereto as Exhibit Q.

19. A true and correct copy of 50 U.S.C. Sec. 2152, as available from the Office of the Law Revision Counsel, U.S. House of Representatives, referenced in Sec. 2 of H.R. 501, The Valerie Plame Wilson Compensation Act, is annexed hereto as Exhibit R.

20. A true and correct copy of the "Table of Contents for the Unclassified Administrative Record," filed by defendants on June 28, 2007, is annexed hereto as Exhibit S.

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21. A true and correct copy of the "Table of Contents for the Classified Administrative Record," received from defendants on June 26, 2007, is annexed hereto as Exhibit T.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 28, 2007.



David B. Smallman