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**Description of the Nature of the Action**

Plaintiffs Valerie Plame Wilson and Simon & Schuster, Inc., publisher of Ms. Wilson's memoir entitled FAIR GAME: MY LIFE AS A SPY, MY BETRAYAL BY THE WHITE HOUSE, sought declaratory and injunctive relief in the District Court under the First Amendment of the United States Constitution to prevent an unlawful prior restraint by the executive branch defendants in violation of the First Amendment of the United States Constitution.

The dispute arose from the executive branch decision to prohibit plaintiffs from republishing information voluntarily disclosed in unclassified form to Valerie Wilson by CIA in February 2006 and released to assist her in connection with obtaining a government annuity through Congressional legislation when she was forced to retire prematurely in January 2006. Although Congress subsequently printed the February 2006 letter from CIA to Valerie Wilson in the Congressional Record as part of the legislative process and it is now available worldwide on the Internet, the executive branch opposed publication of the same information in Valerie Wilson's memoir for "national security" reasons. The executive branch defendants asserted, and the District Court agreed, that a letter on CIA letterhead prepared by its Chief of Retirement and Insurance Services for the purpose of assisting her efforts to obtain government benefits was not an "official" disclosure by CIA. The executive branch defendants also asserted that despite the fact that the February 10, 2006 letter entered the public domain through the legislative process as a result of direct acknowledgments by an authoritative government source – CIA's Chief of Retirement and Insurance Services – and despite the fact that it was reasonably foreseeable that CIA's direct acknowledgment in unclassified form of Ms.

