

House Travel Office and FBI Files matters, I am simultaneously forwarding this matter to Judge Starr's attention.

While our investigation is continuing, our focus is not, not on possible criminal activities. I want to emphasize that I am not here to prejudge the veracity of any of the statements that I have referred to, but I am concerned about what appear to be very serious discrepancies. I believe, therefore, this issue must be addressed by a Federal law enforcement office tasked to review these types of issues.

Mr. Speaker, I include for the RECORD the following information:

WHITE HOUSE AND FBI ACTIONS AND CONTACTS ON FBI FILE MATTER—PREPARED BY STAFF OF HOUSE GOVERNMENT REFORM AND OVERSIGHT COMMITTEE

JUNE 14, 1996

FBI issues report on White House obtaining FBI files saying the FBI was "victimized" by the White House's gathering of FBI background files.

Craig Livingstone is deposed by the Committee on Government Reform and Oversight and reveals problems in his background.

JUNE 17, 1996

Craig Livingstone is deposed by the Committee on Government Reform and Oversight.

White House Counsel Jack Quinn announces that Livingstone has asked to be put on administrative leave.

JUNE 18, 1996

After an initial inquiry, Independent Counsel Starr advised Attorney General Reno that he does not believe he has jurisdiction to investigate the FBI File matter further.

Attorney General Reno ordered the FBI to conduct a thorough investigation into unjustified White House requests for background files.

JUNE 20, 1996

Attorney General Reno turned the investigation of White House requests for FBI background files over to Whitewater Independent Counsel Starr in order to avoid a conflict of interest. Reno wrote: "I have concluded it would constitute a conflict of interest for the Department of Justice itself to investigate the matter involving an interaction between the White House and the FBI, a component of the Department of Justice."

JUNE 26, 1996

Craig Livingstone announces his resignation in his opening statement before a Committee on Government Reform and Oversight hearing on the Security of the FBI Files.

JUNE-JULY 1996

Independent Counsel investigation proceeds with numerous White House witnesses appearing before the Grand Jury.

JULY 15, 1996

Dennis Sculimbrene is deposed by the Committee on Government Reform and Oversight.

JULY 16, 1996

Chief Investigative Counsel Barbara Olson of the Committee reviews the FBI background file of Craig Livingstone and Anthony Marceca.

According to FBI Counsel Shapiro, he contacted Deputy White House Counsel Kathleen Wallman regarding the Nussbaum interview in Livingstone's FBI background file.

JULY 17, 1996

Two FBI agents from FBI Headquarters appear at the Haymarket, Virginia home of Dennis Sculimbrene to talk with him about

his interview of Bernard Nussbaum and show him the document. They also ask him for his notes of the interview.

Committee holds hearing with Secret Service witnesses on the Security of FBI Background Files. Secret Service Agent Arnold Cole reveals that he spoke with Bill Kennedy about problems in the background of Craig Livingstone when the Secret Service reviewed his file for security concerns.

JULY 18, 1996

Chairman Clinger and Chief Investigative Counsel Barbara Olson review Craig Livingstone's FBI background file at the FBI. Chairman Clinger requests information regarding any communication of information in the Craig Livingstone FBI Background file to the White House.

JULY 19, 1996

FBI General Counsel Shapiro writes letter to Chairman Clinger informing him that the FBI did indeed provide the White House with information on the Nussbaum interview: "because issues raised in Mr. Nussbaum's interview [in Livingstone's FBI background file] has been discussed in connection with the Committee's oversight investigation, it was determined that the Bureau had a responsibility to advise affected parties. Therefore, after arrangements were made for your staff to review the files, the Department of Justice, and then the White House, were advised of the results of this review."

A PARTISAN SMEAR

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentleman from California [Mr. WAXMAN] is recognized for 5 minutes.

Mr. WAXMAN. Mr. Speaker, I want to point out how outrageous it is that the gentleman from Pennsylvania [Mr. CLINGER], the chairman of the committee, that has been investigating whether there has been an invasion of privacy by the gathering of FBI files would come to the floor and disclose information that he has from FBI files. It seems to me that, if we are talking about protecting people's privacy, it is out of line to come to the floor and use information that has not been verified, presumably from some FBI file, to try to smear the First Lady, Bernard Nussbaum, the counsel, and the Democratic administration. This is a partisan smear.

I have information that I am going to insert in the RECORD that contradicts the statement made by the gentleman from Pennsylvania [Mr. CLINGER]. I want to point out that, when a Member of Congress speaks from the House floor, he is protected. We can say anything we want. No one can file a lawsuit against us. But that does not give us the right to come here and disclose information that ought not to be disclosed.

If there is an accusation about people in the White House having gathered FBI files improperly, that accusation appears to be accurate, but there has been no showing that any of that information was ever made public or used for political purposes. But what we have here right now is the use politically of information from the FBI.

I include for the RECORD these statements that contradict what has been

alleged on the House floor and to point out to the Members that this kind of activity, it seems to me, is outrageous and is really uncalled for.

The material referred to is as follows:

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, July 19, 1996.

Hon. WILLIAM F. CLINGER,
Chairman, Committee on Government Reform
and Oversight, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: I have been advised that you and Committee Counsel Barbara Olson visited the FBI yesterday for the purpose of reviewing the background investigation files of Craig Livingstone and Anthony Marceca. As you know, the FBI's investigations of Mr. Livingstone and Mr. Marceca were undertaken at the request of the White House and the results of the investigations were previously provided to the White House.

After your review of these files, I understand that you noted that neither of the summary memoranda reflecting the results of the FBI's investigation of Mr. Livingstone reflected certain specific information recorded as a result of the FBI's interview of Bernard Nussbaum, then counsel to the President. You asked what the FBI's response would be if the White House requested any additional information from the file beyond the summary memoranda furnished.

As you know, the FBI conducts background investigations for various congressional committees and other government entities, including the White House. With regard to requests for background investigations from the Department of Justice, the Department of Energy, the Nuclear Regulatory Commission, and the Administrative Office of the U.S. Courts, the FBI provides the actual investigative reports. Only certain information is withheld, e.g., if an interviewee requests that his identity be protected from disclosure outside the FBI. With regard to background investigations conducted for congressional committees and the White House, by agreement the FBI provides summary memoranda that synopsize the information in the underlying investigative reports. Since 1983, at the request of the White House, the FBI also attaches to the summary memoranda any FD-302s that reflect derogatory information. So, for example, the FBI's communication that provided the White House with the results of the remainder of the Bureau's investigation of Mr. Livingstone included an FD-302 reflecting the results of an interview with an individual who volunteered derogatory information. The summary memoranda are intended to address all the concerns of the client entity requesting the background investigation but if that client asks for additional information from the report, the FBI would provide the requested information subject to certain limitations, e.g., the interviews specifically requests confidentiality.

You also expressed concern as to whether the information in Mr. Livingstone's files, particularly with regard to the record of the interview with Mr. Nussbaum, should be provided to the White House by the FBI. You indicated that you would want to know if the White House asked for or was provided that information and what the justification for providing it would be.

During the course of this or any other oversight investigation, the FBI works to cooperate fully with congressional committees as well as any other agencies or entities impacted by the inquiry. Our effort is to remain non-partisan ensuring that facts within our possession which are relevant to an inquiry are provided to affected entities to the extent that we are aware of such an interest.

When the FBI first learned from your staff that your Committee was interested in looking at the background investigative files of Mr. Livingstone and Mr. Marceca, the files were reviewed to remove identifying information relating to third parties as well as third agency information. During this review, the information concerning the results of the interview with Mr. Nussbaum were identified. Because issues raised in Mr. Nussbaum's interview had been discussed in connection with the Committee's oversight investigation, it was determined that the Bureau had a responsibility to advise affected parties. Therefore, after arrangements were made for your staff to review the files, the Department of Justice, and then the White House, were advised of the results of this review. As you will recall, we followed this procedure of full disclosure when we first located the White House request for Barnaby Braeseux's previous reports, which the Director advised you of personally on June 5, 1996. In that instance, as in others, you were advised of the information well in advance of any notices being given to the White House.

The minority staff of the Committee on Government Reform and Oversight have not asked for further details about the information in question. However, if they do so, the FBI will similarly advise them.

I hope this information is helpful to you. As the Director has advised you, the FBI wants to continue to cooperate fully with you in this matter. Please advise me if I can be of any other assistance.

Sincerely yours,

HOWARD M. SHAPIRO,
General Counsel.

FIRST LADY HILLARY CLINTON Q AND A'S IN
BUCHAREST, ROMANIA, MONDAY, JULY 1, 1996

Q from AP: Before we get too far along with our wonderful Romanian visit, I want to clear up just one thing hanging over Washington. Did you or to your knowledge, did Vince Foster have anything to do with the hiring of Craig Livingstone?

A from HRC: I don't know anything about it, I know I didn't.

Q from AP: Do you have any reason to believe that Vince Foster did?

A from HRC: I have no reason believe that.

Q from AP: Is there any connection between your mother and Craig Livingstone's mother. Which is something the FBI agent is claiming.

A from HRC: The "ex FBI Agent"? No there is no connection. I do believe, if I ever meet the woman I'm going to say "Mrs. Livingstone I presume."

FIRST LADY DISCUSSION WITH TRAVELING
PRESS, HELSINKI, FINLAND, JULY 10, 1996

Q from ABC: I need to follow-up on one of Ron's questions. When did you first meet Craig Livingstone? When did you become aware that you knew him?

A from HRC: I don't have any idea. I don't recall meeting him for the first couple of years we were in the White House. I just don't know him. I have met him since then, but my best memory is sometime within the last year is the first time I ever put a face and a name together.

Q from AP: I really don't want to belabor this, but did I understand you on the Livingstone question, that you don't really have a memory of knowing him until this all happened?

A from HRC: Ron, I did not know his mother. I did not know him. I did not have anything to do with his being hired. And, I do not remember even meeting him until sometime in the last year. So, it does not mean I did not run into him. It does not mean that I did not shake his hand in a receiving line.

All that could have happened. But, in terms of any connection with this young man or any kind of relationship with him, there was none.

DEPOSITION OF WILLIAM H. KENNEDY, III,
COMMITTEE ON GOVERNMENT REFORM AND
OVERSIGHT, JUNE 18, 1996

Q. Do you know if the First Lady was involved at all with the hiring of Craig Livingstone in your office?

A. I don't believe she was. I do not know one way or the other. I don't believe so.

Q. Do you recall ever saying to anyone that the First Lady wanted to have Craig Livingstone in the position at the Security Office at the White House?

A. Me ever saying that?

Q. Yes.

A. I never said that.

STATEMENT OF WILLIAM H. KENNEDY, JUNE 29,
1996

Gary Aldrich's account of a conversation with me about Craig Livingstone's suitability for the job of Director of Personnel Security is pure fiction. I never told Aldrich that Mrs. Clinton wanted Mr. Livingstone in that post. I have never had any discussion with Mrs. Clinton about Craig Livingstone. No one else ever told me that Mrs. Clinton had any interest whatsoever in Mr. Livingstone or his position.

SWORN TESTIMONY OF CRAIG LIVINGSTONE,
SENATE JUDICIARY COMMITTEE, JUNE 28, 1996

Leahy: OK. I've also read in the press allegations that come from unspecified sources that your mother is a close friend of the first lady. Is she?

Livingstone: No, sir.

Leahy: And you have no idea who those sources are that tell these things?

Livingstone: No, sir. I've asked my mother and she, for the record, says that she has never met Mrs. Clinton.

SWORN TESTIMONY OF CRAIG LIVINGSTONE,
HOUSE COMMITTEE ON GOVERNMENT REFORM
AND OVERSIGHT, JUNE 26, 1996

Horn: Well, what I'm curious now is, Mr. Marceca and Mr. Livingstone, did Vice President Gore or Mrs. Clinton recommend you for the position you held, Mr. Livingstone, to your knowledge?

Livingstone: I have no knowledge of that.

Mica: Does anyone in your family have any relationship with the first family?

Livingstone: Absolutely not.

A PROPER AND APPROPRIATE DISCUSSION

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, what we have just heard is a chairman of a committee of jurisdiction tell this House that members of the administration or formerly members of the administration came before this Congress and told a lie. I think that is the business of this Congress. I think it is entirely appropriate to discuss on the House floor the fact that someone came before an investigative committee and lie to that committee. I think it is entirely appropriate for the chairman of that committee to take those actions that are available to him in order to ensure that those matters are brought before proper authorities.

What has happened here this evening is that we have had a chairman exercise his obligation to the American people and his obligation under the Constitution to, first of all, do oversight and then, if that oversight process is not properly adhered to, to ensure that the proper law enforcement officials focus on it. That is exactly what was done here tonight. It is absolutely proper.

EMBARRASSING ACTIVITIES OF THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. KANJORSKI] is recognized for 5 minutes.

Mr. KANJORSKI. Mr. Speaker, I am very disappointed in the fact that my chairman came here and took the floor. I have had a great deal of respect and regard for the gentleman from Pennsylvania [Mr. CLINGER], and as the days and weeks move on toward the end of this session, watching the activities of the Committee on Government Reform and Oversight of the House of Representatives, I am getting more embarrassed every moment.

I say, and I am looking right at the gentleman from Pennsylvania [Mr. CLINGER], I was aware of what you were going to say today. . . .

Mr. SOLOMON. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman will be seated.

The gentleman asks that the words be taken down.

The Clerk will report the words.

□ 1720

The SPEAKER pro tempore (Mr. HOBSON). Does the gentleman from Pennsylvania seek recognition?

Mr. KANJORSKI. Yes, Mr. Speaker.

Mr. Speaker, I understand that the taking down of my words was with the intention that it was a personal attack, referring to the gentleman from Pennsylvania [Mr. CLINGER] . . . Certainly I am not attacking nor do I intend to attack him personally in that regard. The expressions were perhaps not precise in the use of the language and I would like to correct and get understood on the record what my intentions were.

That is, as an old lawyer myself and as a reader of the Constitution, I wanted to call the attention of the House and those people watching this proceeding that if the remarks made by my colleague from Pennsylvania were made outside of the House Chamber, he could be subject to tortious action.

Mr. WALKER. Mr. Speaker, I demand the gentleman's words be taken down again.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania have a unanimous-consent request?

Mr. KANJORSKI. Mr. Speaker, I am making a request to withdraw my original words.