

Alexander, et al. v. FBI, et al. CA 96-2123 and
Grimley, et al. v. FBI, et al. CA 1:97CV1288
(Consolidated Actions)

Defendants' Third Supplemental Response to Plaintiffs'
First Request for Production of Documents to Def. EOP

DR # 34

Doc. Nos. 1015610-33

SEN. HATCH: If you could, pull the machine a little bit closer.

MR. LIVINGSTONE: Okay. I'm sorry.

I was asked to appear before what was described to me as a "brief wrap-up interview" with the House yesterday. It was about eight, eight and a half hours long. So I'm a little tired today. But I will do my best to cooperate with any and all of your questions, as I have done so in the past.

I would like to also state for the record again that no one in the Clinton Administration or outside of the Clinton Administration asked me, ordered me, or requested me to order any files in an improper fashion for any improper reason.

Finally, sir, I would like to point out that my attorney informed me this morning that I have testified or voluntarily appeared for interviews for a total of 94 hours as of today. With that in mind, I am here and happy and ready to answer any questions you might have for me, sir. Thank you for the opportunity.

SEN. HATCH: Well, thank you. We appreciate your being here.

Let me just ask a couple of questions about a memorandum you wrote to Mr. William Kennedy --

Can you provide this memorandum?

MS. : Yes.

SEN. HATCH: You have them there?

(No verbal response.)

Okay. -- Who was the official White House counsel with supervisory responsibility over your office. In this memorandum you state the following: "Once the initial rush subsides, we will begin to request the copies of files from the FBI on carryovers. This will be our first glance into background information of their employees."

Now, are you familiar with this memorandum, Mr. Livingstone?

MR. LIVINGSTONE: Sir, it would be helpful for me if it is a multipage document if you wouldn't mind pointing out to me where you are referring to, and I'll be able to quickly answer your question. I'm sorry.

SEN. HATCH: We will have somebody come down and show you.

MR. LIVINGSTONE: I'm sorry. I'm just trying to help you out.

SEN. HATCH: Are you familiar with that memorandum?

MR. LIVINGSTONE: Yes, sir, I am.

SEN. HATCH: You remember it?

MR. LIVINGSTONE: Yes, sir.

SEN. HATCH: Now, can you tell me who you meant by "their employees"?

MR. LIVINGSTONE: Well, sir, looking at item three in this memorandum that was drafted to Mr. Kennedy, it says "86 FBI files on carryovers. Once the initial rush subsides, we will begin to request copies of files from the FBI on carryovers. This will be our first glance into background information of their employees."

I think it is pretty self-explanatory. The first part where it says that I was giving him an update on carryover employees. To answer your question directly, sir, on the issue that you are interested on "their employees," I assume that meant on previous administration people as related to the topic covered under carryover.

SEN. HATCH: Well, I think the natural question that arises to anybody looking at this is, what business was it of yours to determine what is in the background file of any carryovers? They had already been cleared by a previous administration.