

first time after Mr. Foster's death.¹⁰⁵ In addition, Mrs. Clinton stated that she has never met and does not know Mr. Livingstone's mother.¹⁰⁶

D. The Circumstances Surrounding the Preparation of the Insert Do Not Corroborate its Accuracy.

1. Agent Sculimbrene Had No Independent Recollection of the Interview with Mr. Nussbaum or Preparing the Insert.

Agent Sculimbrene had no independent recollection of conducting the interview with Mr. Nussbaum or preparing the insert, much less the details of the conversation.¹⁰⁷ Agent Sculimbrene believed that the statement he attributed to Mr. Nussbaum was accurate, because he would have had no reason to report it unless Mr. Nussbaum made the statement.¹⁰⁸

Agent Sculimbrene explained that there were no underlying notes because he routinely did not take notes when interviewing associates of the appointee during a background investigation.¹⁰⁹ He added that if the interview was conducted in his office or by

¹⁰⁵ Id. at 3-4.

¹⁰⁶ Id. at 3.

¹⁰⁷ Sculimbrene 9/4/96 Int. at 2; Sculimbrene 7/16/96 Int. at 1.

¹⁰⁸ Sculimbrene 9/4/96 Int. at 2-3; Sculimbrene 7/16/96 Int. at 1.

¹⁰⁹ Sculimbrene 9/4/96 Int. at 2. Agent Sculimbrene surmised that if he had taken notes of the interview with Mr. Nussbaum he would have routinely disposed of the notes a few months after the interview. Sculimbrene 7/16/96 Int. at 2.

phone and there were no inconsistencies with the SF-86¹¹⁰ or if the interview was totally unremarkable, it was his practice to type the insert without any notes.¹¹¹

While there were no notes to corroborate the accuracy of Agent Sculimbrene's insert, the OIC discovered one additional document in which Agent Sculimbrene repeated the information, attributed to Mr. Nussbaum in the insert, that Mrs. Clinton knew Mr. Livingstone's mother. On January 11, 1996, nearly three years after he wrote the insert, Agent Sculimbrene wrote a memorandum to Supervisory Special Agent Brad Wambach concerning the role of the FBI's White House Liaison Office in the background investigation process.¹¹² In the memorandum, Agent Sculimbrene described Mr. Livingstone as "a political appointee. His mother and Mrs. Clinton are personal friends."¹¹³

In addition, Agent Sculimbrene informed the OIC in an interview, that he is "pretty sure" that Mr. Livingstone told him, during a background investigation interview, that Mrs. Clinton knew his mother.¹¹⁴ This information, however, is not in

¹¹⁰ Each new employee completes Standard Form 86 (SF-86), which authorizes the FBI to conduct a background investigation. See SF-86, "Purpose of this Form" at 1.

¹¹¹ Sculimbrene 9/4/96 Int. at 2.

¹¹² Sculimbrene 1/11/96 Memo. to Wambach, 753-DC-00000021.

¹¹³ Id. at 4.

¹¹⁴ Sculimbrene 9/4/96 Int. at 2; Sculimbrene 7/16/96 Int. at 1.

Agent Sculimbrene's signed FD-302 report reflecting his background investigation interview of Mr. Livingstone.¹¹⁵

2. Mr. Nussbaum Had No Independent Recollection of the Interview with Agent Sculimbrene.

Mr. Nussbaum has consistently stated that he did not recall meeting with Agent Sculimbrene and did not have any information about Mr. Livingstone at that time in order to make the statement attributed to him in the insert.¹¹⁶ Following the public disclosure of the insert on July 25, 1996, Mr. Nussbaum stated that he "never told Agent Sculimbrene, or anyone else, that the First Lady recommended Craig Livingstone for his position in the White House or that the First Lady knew Livingstone's mother."¹¹⁷ In an interview with the OIC, Mr. Nussbaum stated that he did not recall talking to Agent Sculimbrene about Mr. Livingstone, but acknowledged the possibility that he did.¹¹⁸ Mr. Nussbaum explained that at the time that he allegedly spoke with Agent Sculimbrene in March 1993, he knew nothing about Mr. Livingstone.¹¹⁹ However, Mr. Nussbaum stated that because of his

¹¹⁵ Livingstone background investigation interview 3/3/93 at 1-3, AO-DC-00004264-4266.

¹¹⁶ Nussbaum 10/3/96 Int. at 2; Nussbaum 7/25/96 Statement, 705-DC-00004724.

¹¹⁷ Nussbaum 7/25/96 Statement, 705-DC-00004724.

¹¹⁸ Nussbaum 10/3/96 Int. at 2. Mr. Nussbaum stated that the White House Counsel's Office had an enormous amount of work to complete with 25 percent fewer employees. Id. at 5.

¹¹⁹ Id. at 2.

confidence in Mr. Foster and Mr. Kennedy and the absence of any negative comments regarding Mr. Livingstone, it is possible that he paid a compliment of some sort to Mr. Livingstone in March 1993.¹²⁰

3. Former White House Counsel's Office Detailee Francis Sobol Did Not Recall Being Interviewed by Agent Sculimbrene.

The insert also listed Francis Sobol, a long-time attorney with the Department of Education who was detailed to the Office of the White House Counsel during the Bush Administration and remained until September 30, 1993, as a person interviewed by Agent Sculimbrene. In an interview with the OIC, Mr. Sobol told the OIC that he knew Agent Sculimbrene but did not remember being interviewed by him about the background of Mr. Livingstone or any other employee of the White House Counsel's Office.¹²¹ Mr. Sobol reviewed the insert and denied the validity of the statement that "he has known the appointee as a co-worker in the same office for about a month" on the ground that he did not consider Mr. Livingstone to be a co-worker.¹²²

¹²⁰ Id. at 3. Mr. Nussbaum delegated the supervision of OPS to Deputy White House Counsel Vincent W. Foster, Jr., who in turn assigned that authority to Associate White House Counsel William Kennedy. Id.

¹²¹ Sobol 11/12/96 Int. at 3-4.

¹²² Id.