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# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection Name** KOCH, KATHLEEN: FILES

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**File Folder** KDK PAISLEY

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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
1	LETTER	ARTHUR CULVAHOUSE TO SEN. WARNER (PAGE 1, PARTIAL)	1	7/13/1988	B6

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

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THE WHITE HOUSE

WASHINGTON

July 1, 1988

MEMORANDUM FOR MARLIN FITZWATER  
ASSISTANT TO THE PRESIDENT FOR  
PRESS RELATIONS

FROM: PHILLIP D. BRADY  
DEPUTY COUNSEL TO THE PRESIDENT

Please find below certain background items which may be helpful with respect to any questions you receive following up on last night's ABC story on the White House' involvement in the "clearance" of Melvyn Paisley:

- o An FBI full field background investigation was initiated in July '81 and the FBI provided a summary of the results of that investigation to the White House in September '81.
- o Counsel's Office reviewed the FBI summary report as well as relevant financial disclosure materials and the nomination was approved in October '81.
- o The contents of the FBI summary report are considered confidential, but pursuant to agreement with the Senate the report was available to the Chairman and Ranking Member of the Senate Armed Services Committee which considered the nomination and any member of that Committee with the concurrence of the Chairman and Ranking member.  
[It's unknown at this time whether any Member of the Committee in fact reviewed the FBI summary report on Melvyn Paisley.]
- o Recently Senator Levin's office telephonically requested an opportunity for the Senator to review the FBI summary report on Melvyn Paisley.
- o The request was denied on the grounds that Melvyn Paisley is no longer with the government, he is not before any Committee of the Senate for confirmation, significant privacy concerns are involved and his potential involvement in the current procurement fraud investigation would make any dissemination of the FBI summary report particularly inappropriate. [Armed Services Committee Chairman Nunn also made this final point as reported in the attached Baltimore Sun article.]



- o The FBI has recently received a letter from Senator Levin requesting their full background investigation report on Melvyn Paisley and an explanation of the FBI background investigation process. To date we have not received any similar written request.
- o It may also be of note that it would appear the White House did not receive any of the alleged derogatory materials with respect to Melvyn Paisley which press accounts suggest were independently mailed to DOD, and the Senate Armed Services Committee and later (1983) to the FBI.
- o Finally, it should be mentioned that not only has Melvyn Paisley not been indicted or convicted of any criminal offense, to date, there has not even been any official statement that he is the target of a criminal investigation which raises questions about the appropriateness of the news references to "substantial derogative information" being contained in his background investigation.

Hope this helpful.



DATE: 6/30/83

PAGE: 9A

## Nunn resists bid by panel to see FBI's Paisley file

By Stephen M. Hagey  
Sun Staff Correspondent

WASHINGTON — Two key members of the Senate Armed Services Committee are asking the FBI to allow them to review a secret file on Melvyn R. Paisley, a former top Navy official who has emerged as a key figure in the Pentagon procurement investigation, but they have encountered unexpected resistance from committee Chairman Sam Nunn, D-Ga.

Mr. Nunn said he saw no point in obtaining the FBI's report on Mr. Paisley, which was prepared for his confirmation process, because it cannot be released publicly. He also warned that undue attention to it might detract from a federal investigation into allegations of fraud and bid-rigging in the Pentagon's weapons procurement process.

"No, I have not tried to get the report," Mr. Nunn said at a Capitol Hill news conference. "I have to ask the question, what would we do if we got it? It's confidential. We can't release anything. . . . Let the investigation proceed. If the report came out and there was absolutely nothing in it, what then?"

Without Mr. Nunn's support, it was unclear whether efforts by fellow committee members to demand the routine background report from the FBI would succeed.

His remarks came a day after the White House denied a request by another committee member, Sen. Carl Levin, D-Mich., to inspect the FBI's confidential background check on Mr. Paisley, 63.

According to a congressional agreement with the FBI, only the chairman and ranking minority member of the Senate Armed Services Committee are entitled to review such confidential reports, and then only after making a formal request.

Under those conditions, Mr. Levin would not be entitled to see it, but the ranking minority member, Sen. John W. Warner, R-Va., would.

Both senators indicated yesterday that they have called on the FBI to release it to them for their review, although an aide to Mr. Warner said the senator had decided to pursue the matter quietly with the agency rather than take a highly publicized approach.

Mr. Warner said through his spokesman that he was interested in seeing the report "to reconstruct what happened" in the process leading up to Mr. Paisley's confirmation hearing — partly because the Armed Services Committee at that time was headed by a Republican, then-Sen. John G. Tower of Texas.

On Tuesday, Mr. Warner told the *Los Angeles Times* that Mr. Tower apparently had chosen not to review the FBI background check on Mr. Paisley before the confirmation hearing. Mr. Tower has been out of the country since last week and could not be reached for comment yesterday.

Before Mr. Paisley's hearing, the *Times* has reported, his former sister-in-law wrote to the committee claiming that "Mr. Paisley has been known to take bribes" during a 28-year career with the Boeing Co.

In trying to obtain the report, Mr. Levin said he hoped to determine whether the panel had had ample opportunity to review the allegations before Mr. Paisley's confirmation hearing, which was handled in routine fashion Nov. 18, 1981.

At the White House, an official familiar with the matter confirmed that Mr. Levin's request was denied Tuesday by the office of White House Counsel Arthur B. Culvahouse Jr. He said the denial was based on the fact that a confirmation hearing was not pending and Mr. Paisley has since left government service and returned to private life.

In response to questions whether the Armed Services Committee was aware of allegations against Mr. Paisley, Mr. Nunn and Mr. Warner released a joint statement yesterday saying the committee staff had reviewed its records and found only standard financial disclosure forms and routine personal data related to his nomination.

Sun staff correspondent Karen Hosler contributed to this article.

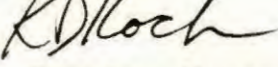


THE WHITE HOUSE

WASHINGTON

July 12, 1988

MEMORANDUM FOR PHILLIP D. BRADY

FROM: KATHLEEN D. KOCH   
SUBJECT: Draft Response to Senator Warner  
on Paisley Confirmation Process

Attached is a draft response to Senator Warner's letter asking about the White House procedures with FBI reports in 1981, and for specific information related to Senate review of Melvyn Paisley's FBI background.

I have responded to the first two questions raised by Senator Warner with explanations of what the procedures were and what our records show about the Paisley case. His last request is for the opportunity to review now what was available for review then. I have explained our reasons for not acceding to that request.

Before this letter or any similar one goes out, we should determine whether Dean McGrath has received or will receive any response from Senator Nunn's staffer who met with Dean on Friday July 8.

Attachments

cc: C. Dean McGrath, Jr.

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1 LETTER

1 7/13/1988 B6

ARTHUR CULVAHOUSE TO SEN. WARNER  
(PAGE 1, PARTIAL)

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**DRAFT**

THE WHITE HOUSE  
WASHINGTON

July 13, 1988

Dear Senator Warner:

Thank you for your recent letter related to procedures for making available FBI reports of background investigations. In particular, you have requested information on the practice followed in 1981. You are also interested in whether this office has a record of any requests by the Chairman or Ranking Member to review a report of the FBI background investigation during the confirmation process.

The contents of the FBI reports on the background investigations conducted on potential appointees are considered confidential. Pursuant to agreement with the Senate, which was implemented during the earliest days of this Administration, the summary reports on the background investigations are available, upon request, to the Chairman and Ranking Member of the Senate committee charged with considering a nomination in the first instance. In addition, with the concurrence of the Chairman and Ranking Member of the relevant committee, a Member of that committee may also review the FBI summary report. These procedures have remained in place throughout the Administration and are currently utilized by the Senate Committee on Armed Services.

You have also inquired whether this office has any record of any request by the Chairman or Ranking Member to review the summary report on Melvyn Paisley following his nomination in the Fall of 1981. We have reviewed White House records and found no evidence that any member of the Senate asked to review the FBI summary report.

b6  
[REDACTED]

Your letter concludes with a request to review the 1981 FBI background summary on Mr. Paisley. The procedures discussed above, are directly related to the Senate's role in confirming Presidential nominees to government positions. Mr. Paisley is not before any Senate Committee for purposes of confirmation, nor is he any longer in government service. In addition to any legal rights that a person no longer in government may have in protecting his or her privacy rights, we are concerned that any release of confidential FBI information not related to the nomination process could affect the decisions of people considering government service. With respect to on-going law enforcement activities, we have particular concerns with the release of Mr.

**DRAFT**



**DRAFT**

Paisley's file because his name has been mentioned in connection with an ongoing criminal investigation.

I hope the information in this letter is helpful to your inquiry.

Sincerely,

Arthur B. Culvahouse, Jr.  
Counsel to the President

The Honorable John Warner  
United States Senate  
Committee on Armed Services  
Washington, D.C. 20510-6050

**DRAFT**

SAM NUNN, GEORGIA, CHAIRMAN

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# United States Senate

COMMITTEE ON ARMED SERVICES  
WASHINGTON, DC 20510-6050

June 30, 1988

Mr. Arthur B. Culvahouse  
Counsel to the President  
The White House  
Washington, D.C. 20500

Dear Mr. Culvahouse:

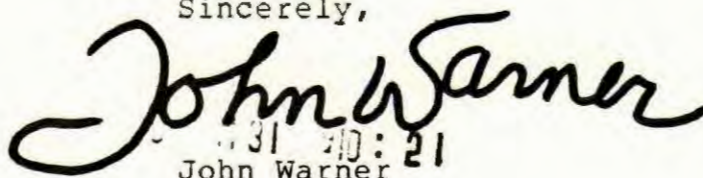
The recent media coverage of alleged fraud and bribery in the Department of Defense has raised questions about the Senate's confirmation process for Administration nominees. In particular, questions are arising over Senate confirmation procedures, past and present, and the availability, or non-availability, of information derived from the customary FBI background investigation to a Chairman and Ranking Member of the Senate Armed Services Committee.

I request that you provide me any information that your records reflect concerning the rule or practice followed during 1981 by the White House Counsel in replying to a request from the Chairman or Ranking Member of the Senate Armed Services Committee for information derived from an FBI background investigation of a nominee. Further, what do your records reveal as to whether a request was made either by the Chairman or by the Ranking Member for information derived from the background investigation of Mr. Melvin Paisley at the time his nomination was being considered during the fall of 1981?

Furthermore, I request that you make arrangements to provide me such information as may have been contained in the FBI background investigation of Mr. Paisley prior to his confirmation hearing in November 1981 that would have been provided to either the Chairman or Ranking Member, if it were then the practice to do so.

Thank you for your assistance.

Sincerely,

  
John Warner