

TABLE 11
Faculty Leaving for Non-Academic Positions

Year	Number of Faculty Leaving for Non-Academic Positions			Survey Response Rate (%)	Annual Estimates No. of Political Scientists Leaving Academia to Assume Non-Academic Positions
	Males	Females	Total		
1977-78	73	27	100	46	217
1978-79	67	18	82	48	171
1979-80	67	26	93	50	186
1980-81	72	27	99	49	202
1981-82	57	16	73	48	152
1982-83	47	3	50	46	109
1983-84	63	8	71	54	131
1984-85	60	14	74	54	137
1985-86	57	16	73	52	140

Source: *APSA Survey of Departments, 1977-1985.*

assume nonacademic positions (see Table 11).

Neither death nor retirement will generate new positions in significant numbers until well into the 21st century. The political science profession is a young profession, the median age is approximately 43, a long way from retirement. Retirement will only significantly affect the number of job openings around 2010, later than many other academic professions.

Conclusion

Market factors suggest that growth will come slowly and come late in the political science job market. □

New Snags Develop Over Access to Nixon Papers

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National Coordinating Committee for the Promotion of History

A Justice Department memorandum attached to the proposed regulations for opening the Nixon Administration's records for public use includes language that would greatly diminish the authority of the Archivist, reducing the Archivist to

a "purely executive officer . . . subject to the President's supervision and control" and through a significant expansion of executive privilege would give the former President control over public access to his presidential materials. Congressional concern over the Justice Department memorandum and the precedent it would set for allowing Nixon and future presidents to limit, for years after they have left office, access to their reports led to a recent House hearing.

The Presidential Recordings and Materials Preservation Act (PRMPA) passed shortly after Nixon left office established procedures for assuring that the 40 million pages of documents and 4,000 hours of tape recordings from the Nixon Administration would not be destroyed and would eventually be made available to the public. PRMPA provided for the Archivist to obtain and retain possession

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of all materials from the Nixon Administration and for the Archivist to issue regulations providing for public access to these materials. In the twelve years following passage of this legislation, the National Archives has proposed six sets of access regulations; numerous law suits blocked the adoption of any regulations. On March 29, the National Archives published in the *Federal Register* the sixth set of regulations, which were approved by the Office of Management and Budget, on the condition that they be used according to an attached legal opinion from the Justice Department. The regulations and accompanying Justice Department memorandum have been forwarded to Congress for review. In late June the 60 legislative days allotted to Congress to review the regulations and to recommend any changes will have terminated.

On April 29, the House Subcommittee on Government Information held hearings to review the sixth set of regulations and the accompanying 30-page Justice Department legal opinion. Chairman Glenn English (D-OK) set the tone for the hearing when he stated, "We want to know why Justice has rendered an opinion that tells the National Archives to ignore its own official public regulations." Making clear his position on the Justice Department memorandum, English stated that "the opinion is the product of a flawed process, legally deficient, and it espouses policies that are of questionable wisdom." In their questions to the Acting Archivist and the OMB and Justice Department representatives, the six members of the subcommittee present—English (D-OK); Kleckzka (D-WI); Neal (D-NC); Kindness (R-OH); Lightfoot (R-WI); John Miller (R-WA)—all expressed serious reservations about the memorandum. In the questioning of Frank Burke, Acting Archivist, it became clear that the National Archives, like most executive branch agencies, has no independent litigation authority. If litigation should result from the implementation of the regulations, the Archives would have to turn to Justice for their defense. It also became apparent that unless there is some congressional action the National Archives will be obliged to



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adhere to the Justice Department memorandum. Rep. Miller (R-WA) noted the awkward situation of the National Archives having to turn to Justice for legal defense and commented that if Congress wants the Archivist to have independent counsel, it will have to pass a law to that effect. Rep. Kindness (R-OH) focused on the contradictions between the regulations and the Justice Department memorandum and asked if OMB had done its job properly in sending both forward.

"We want to know why Justice has rendered an opinion that tells the National Archives to ignore its own official public regulations."

—Rep. Glenn English

One of the key points made during the hearing was that the proposed regulations contain more protection against improper release of materials than that afforded to other presidential materials

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administered by the National Archives and that thus there is no need for Justice Department memorandum. In addition to the normal safeguards restricting release of national security and private materials, the regulations provide that no Nixon material may be opened without Mr. Nixon and other principals being notified so that they may have the opportunity to object. Another issue of considerable concern was that the memorandum significantly expanded understanding of executive privilege, extending it throughout the president's life. This position is in obvious odds with the Presidential Records Act, passed in 1978 and which is to go into effect with the Reagan records, which provides for former presidents to exert executive privilege over their papers for twelve years following their term of office.

Unless there is some congressional action the National Archives will be obliged to adhere to the Justice Department memorandum.

Discussion during the hearing on options for resolving the problems posed by the Justice Department memorandum included: urging the withdrawal of the memorandum, amending PRMPA, and preparing a comprehensive Congressional Report clarifying the intent of the legislation and the regulations. To have the courts make sense of the conflicting position of the regs and the memorandum—a position advocated by the Justice Department—did not seem to subcommittee a responsible course of action. Steve Ross, General Counsel to the Clerk of the House, stressed that through various laws, Congress has expressed its intention that the Archivist should have authority over presidential records. Although Ross noted that the Archivist serves at the pleasure of the President, he said that Congress has the authority to vest an official with discretionary decisionmaking power not subject to direction from the President.

The consideration of the regulations and

memorandum is also tied to questions surrounding the pending selection of the U.S. Archivist. Some in Congress and in the scholarly community have expressed concern that if the Justice Department memorandum is allowed to stand, the act passed in 1984 establishing an independent National Archives would be nullified. The intent of that legislation was to remove the National Archives from the politicizing influences of the General Services Administration. This memorandum would again politicize the National Archives by undermining the Archivist's authority to act as an independent professional.

The House Subcommittee on Government Information, Justice, and Agriculture expects to release this summer a report on the proposed regulations and the accompanying Justice Department memorandum. If Congress allows this sixth set of regulations to stand, it will still be some time before any of the material is opened to the public because the regulations require the Archivist to give thirty days notice in the *Federal Register* before making public any segment of the materials. □

News from the Archives

Editor's note: The following two articles were taken from the Spring 1986 issue of News from the Archives, a quarterly compilation of activities of the National Archives and Records Administration.

Watergate Court Records Unsealed

On February 20, 1986, Judge John J. Sirica of the U.S. District Court for the District of Columbia issued an order unsealing most of the records that were still sealed in the Watergate cover-up case, *United States v. John N. Mitchell, et al.* (Cr. No. 74-110). This order followed the recommendations set out in a report filed by the federal government in response to a petition requesting that the records be unsealed. This order opens for research the documents filed by the Watergate Special Prosecution Force which named former President Nixon as