

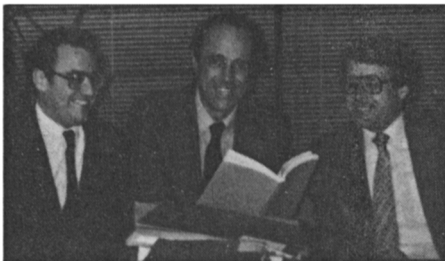
## Association News

### Supreme Court Denies Richard Nixon's Petition

The Supreme Court denied former President Richard Nixon's petition for a *writ of certiorari* in the Nixon papers case on November 29. The court's decision means that government archivists are free to review all of the presidential materials from the Nixon administration to determine whether they are in the public domain and may be made available to the public. This decision is only the latest round of nine years of court battles over the release of Nixon's papers and tapes.

The Supreme Court reviewed Nixon's petition in the case of *Richard Nixon v. Gerald P. Carmen, Administrator, General Services Administration, et al.* APSA joined with the Reporters Committee for Freedom of the Press and the American Historical Association (AHA) as respondents or intervenor-defendants along with several individuals including James MacGregor Burns, Austin Ranney, and Clement E. Vose.

The Washington, D.C. firm of Arnold & Porter served as pro bono counsel for the respondents and has been working on



Peter Grossi, Robert Herzstein, and Mark Spooner of Arnold & Porter represented APSA in the Nixon papers case.

behalf of the academic and journalism communities on a pro bono basis during the entire nine years of litigation over the release of Nixon's presidential materials. Mark J. Spooner served as counsel of record and worked with three other Arnold & Porter lawyers, Robert E. Herzstein, Peter T. Grossi, Jr., and James J. Sandman on this case.

The first motion filed on behalf of APSA and others was filed in October 1974 following President Ford's pardon of Nixon and the announcement of the Nixon-Sampson agreement to give Nixon possession of the papers and tapes produced during Nixon's presidency. (Arthur Sampson was then administrator of the General Services Administration (GSA).) The delivery of the materials to Nixon, however, was delayed to allow the special prosecutor to complete his investigation at that time.

Nixon subsequently filed suit to obtain the materials. Several other suits were also filed, including the first one in this matter by Arnold & Porter on behalf of APSA and others entering arguments in *Nixon v. Sampson*.

Simultaneously, in December of 1974 Congress passed a bill to obtain the Nixon papers and tapes. Nixon then filed suit in *Nixon v. Administrator of GSA* charging that the new law was unconstitutional.

APSA along with the Reporters Committee and AHA again intervened as defendants in the case. The statute was upheld by a three-judge court and again in June 1977 in a narrowly drawn decision by the Supreme Court which ruled that it was constitutional for the government to retain the papers and that government archivists could review the materials and return the purely private papers and taped conversations back to Nixon. How-

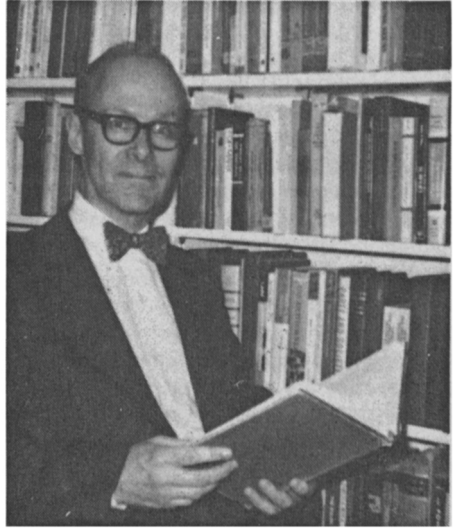
ever, because there were no final GSA regulations yet, the court deferred dealing with problems of disclosure and public access to the tapes. The court did decide that the tapes were to be preserved.

The final phase of the court battles was precipitated after GSA promulgated regulations governing governmental and then public access to the materials in 1977. Nixon challenged the regulations. Once again, *APSA et al.* intervened as defendants with Arnold & Porter serving as counsel. By February 1979, the parties had settled all but two of the claims raised by Nixon's complaint. The two issues concerned, first, Nixon's claim that some dictabelts constituted his private diary and should be returned to him, and, second, public access to the tapes.

Arnold & Porter argued on behalf of *APSA et al.* that the dictabelts should be reviewed by archivists to determine whether a private diary was in fact embedded in the dictabelts. Purely private materials should then be returned to Nixon, as provided in the GSA regulations. With regard to access to tapes, Nixon argued that the regulations violated presidential privilege of confidentiality and his constitutionally protected right of privacy.

APSA's position was upheld at the district and appeals court levels as the GSA procedures did provide for return of private materials to Nixon and for procedures for asserting constitutionally based objections to any public access. It was in this case that Nixon petitioned the Supreme Court for and was denied a *writ of certiorari*.

Nixon's legal remedies have not been exhausted. When the GSA announces its intention to release a block of tapes reviewed by the archivists for public listening (probably in 1984 or 1985), the former president will be free to challenge the release of particular conversations on the grounds that they are personal or privileged. □



Duncan MacRae, Jr. is one of the three honorees of the Lasswell Symposium at the 1983 Annual Meeting.

## **Weisberg Announces Lasswell Symposium**

Kal Holsti of University of British Columbia (UBC), Gerald Kramer of California Institute of Technology, and Duncan MacRae, Jr., of University of North Carolina-Chapel Hill, have each accepted an invitation from APSA to deliver a paper for the Lasswell Symposium at the 1983 Annual Meeting, Program Chair Herbert Weisberg of Ohio State University has announced.

The subject of the 1983 Lasswell Symposium in which senior scholars participate by invitation is the science of politics. This theme is the same as that of the overall 1983 Annual Meeting although Weisberg has repeatedly emphasized that the Annual Meeting, which will be held at the Palmer House in Chicago from September 1-4, will include a much broader range of subjects than can be encompassed in a single theme.

The three participants were selected on the basis of their superior scholarship and a variety of theoretic perspectives the group offers, according to Weisberg.

Holsti, a Canadian, and chairman of the political science department at UBC, re-