

# american political science association

1527 New Hampshire Avenue, NW, Washington, DC 20036-1206 • p: 202.483.2512 • f: 202.483.2657 • www.apsanet.org

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Allen Weinstein  
Archivist of the United States  
Washington, DC

By Email: [vision@nara.gov](mailto:vision@nara.gov)

Dear Dr. Weinstein:

Thank you very much for the invitation to share our thoughts and ideas about the strategic goals and objectives of the National Archives and Records Administration (NARA) for the next 10 years. And indeed thank you for this forward looking, and consultative, approach to planning.

These comments are submitted on behalf of the American Political Science Association (APSA) and the Presidency Research Group. The APSA is the leading professional association for the study of political science, government, and politics with 15,000 members. The Presidency Research Group (PRG) represents the scholarly community whose professional interests focus on the American Presidency, with a membership of 500 scholars actively engaged in Presidency research. Our communities are strongly committed to the mission of NARA and to the preservation of important historical records and to improved scholarly access.

Our comments on your questions are the following:

- 1) What have you liked about the services and products NARA provides?

Many of us use presidential libraries and appreciate the potential in their resources. We depend a great deal on the assistance of the archivists. They do an excellent job in servicing our requests. There are not enough of them to get the material out. During the search for White House and administration records for John Roberts, for example, all of the archival staff at the Reagan Library had to work solely on those papers. Even people from NARA in Washington had to work on them. That meant other work was put on a back burner.

- 2) What would you like to see strengthened in the services and products NARA provides?

We would like to see all of the duties of the Archivist restored. We believe Executive Order 13233 weakens the Archivist's position by excluding him or her from the process of reviewing records as was earlier the case. The Archivist should be prominent in establishing records policy in the government and should be listened to by others, including the President and his staff.

In the release of the Roberts records, NARA was able to put the first release of 5,000 on web.

*Networking a World of Scholars*

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Unfortunately, the second release of 68,000 did not get on web. NARA needs to be more flexible as an agency and get items on web. You have good products but NARA needs to be more agile in situations to promote the greatest access. People, not just the press, should be able to have the Roberts records.

Generally, many our members have complained of the lack of numbers of open documents from Presidential libraries. Library priorities are releasing items under subpoena and FOIA. There needs to be a way to continue the opening of documents in general. The Reagan documents are from 18 to 24 years old, but less than 20% of them are open. There needs to be a way to get documents out for study. It is in the interest of the individual libraries and the presidents they represent, NARA, and the scholars they serve.

3) In what initiatives should NARA invest over the next 10 years that will help meet your needs?

Planning for the George W. Bush Library. As the library is developed, there should be a plan to open records online in the library. It should be an automatic process. At the earliest planning stages, there need to be articulated goals for the library.

NARA should be involved in recommending to the White House that staff should turn over as many records for the library as possible, including political records. Political records deemed the private property of the President, but that does not prevent the President from providing such records be maintained.

NARA can also be involved in recommending to the White House that department and agency heads develop a record of policymaking on administration priorities and provide them to the White House for eventual destination of the library. It would be helpful as well for Cabinet secretaries to make copies of their office records so they too could be included in the George W. Bush Library.

NARA should advocate for the change of EO 13233. It is a pernicious order. As people who use presidential records, we are concerned this order represents a roadblock in the process of the release of records. Even if at the end of the review process records have been released, the White House review procedure has slowed down the release of records. Its use in the review of John Roberts' records demonstrated again the way in which it needlessly slows down the process. Initially, 11 pages were withdrawn. They were later released. The only question was why they were held back in the first instance.

We oppose executive privilege claims. Executive Order 13233 creates a situation where a sitting President defers to the executive privilege claims of a former President. Actually, it is the incumbent President who has the most current understanding of what is privileged, as well as the higher constitutional prerogatives and responsibilities.

We remain concerned about the problem of having family representatives making official decisions. Allowing family members to make claims of executive privilege opens the sitting President to a number of problems, including the lack of understanding of family members of executive privilege issues and the known problems associated family members wanting to protect, even if falsely, their relative who served as President. We know from the experiences of presidential libraries that family members are reluctant to release materials while the former presidents themselves have a history of wanting information to be released. What is the formal process through which one becomes

the designated family representative and is the information made public who that representative is? Because the family representative is taking positions that involve an incumbent President, we believe the person should be a government official, not a private citizen.

Archivists need guidance as they review library documents. In the first term, the only records requiring a review by the Counsel's Office came from the Reagan Library. Now there are records for review from the George H. W. Bush and Clinton libraries and there needs to be a common approach among archivists. The archivists at the three libraries should know what categories the Counsel's Office uses in sifting through the materials and which they regard as the most complex.

Perhaps a scholarly advisory board also could contribute in these respects to develop criteria for opening records in a manner more closely linked to research needs, consistent with the other imperatives of the order.

The executive order places the litigation burden on scholars. Most scholars pay their own way for research and few will be able to afford to hire a lawyer to contest assertions of executive privilege in court.

Changes to the Presidential Records Act. Fifty years from now we should not still be notifying people about opening of Reagan records. There should be a point at which records are declared open. We need to have that discussion and the Archivist should be involved in it. Current practices have made the process of opening documents way too lengthy and haphazard. One colleague has five or six FOIA still outstanding at the Reagan Library that were made on a visit in June 2003. All except one are on "fast track" [smaller requests] but still have not been fully processed. That seems inordinately too long. Opened collections end up being haphazard, with materials opened based on a willy-nilly variety of prior requests rather than opened as whole collections or sets of papers, as is the case at the pre-Reagan Libraries.

White House Record Keeping. At the beginning of next administration, NARA should get involved in development of systems of electronic record keeping. Records issues include what records are kept, not just which ones are released. We are interested in seeing that new administrations establish sound practices when they walk in the door the first day.

Freedom of Information Act. Agencies across government need more resources to support FOIA. The ten day response time is unrealistic and not observed. Agencies don't have sufficient resources. Because records of all departments and agencies are important, NARA should be involved in seeking the resources for all.

NARA should get involved in efforts to alter the October 2001 order by Attorney General John Ashcroft indicating to government agencies he would support their pleas to refuse to release government documents. FOIA calls for the burden to be on government agencies to explain why they need to retain records, not on the public to explain why they should be released.

Technical Resources. While a seemingly small point, photocopying is important and varies by library. In one recent visit in June, at the Eisenhower Library only one machine was available mad at the Reagan Library just two.

4) How can you help us serve you better?

While political scientists are now hired as archives specialists, they are not eligible to be full fledged archivists. Because political science offers such a strong background for archives work, we believe the requirements for archivists should be broadened to include political science.

We would like to continue our involvement in NARA planning efforts. We have been involved for several years now and would like to continue doing so.

Sincerely,

/s/

Margaret Levi, President, American Political Science Association, and Professor,  
University of Washington

Bruce Miroff, Chair, Presidency Research Group, and Professor, SUNY, Albany

Martha Joynt Kumar, Liaison to the National Archives and Records Administration,  
American Political Science Association and Professor, Towson University

Michael Brintnall, Executive Director, American Political Science Association