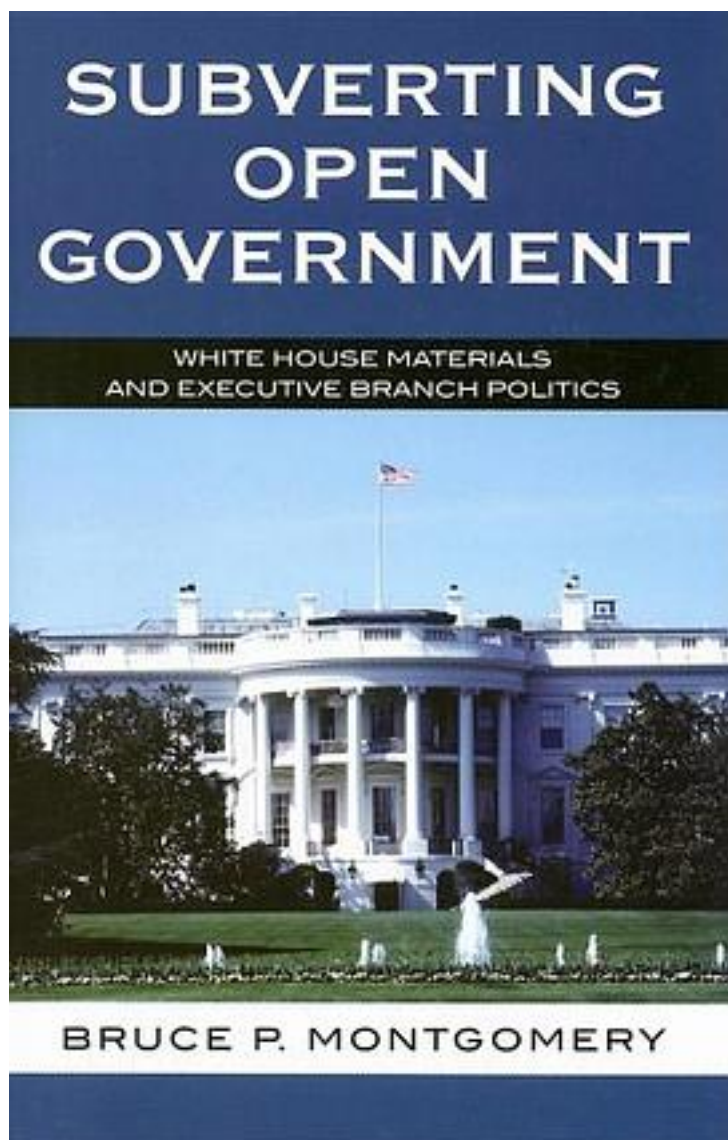


# Subverting Open Government



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Many of the most significant disputes between the legislative and executive branches of government have occurred over Congressional requests for information to assure executive accountability. No greater confrontation occurred than the fight over President Richard Nixon's White House tapes and records concerning the Watergate scandals. The constitutional crisis surrounding this event and the subsequent seizure of Nixon's presidential materials by Congress for the continuing Watergate investigations and trials after his resignation ultimately caused a quasi-revolution in the overturning of the tradition of private ownership of presidential materials with passage of the 1978 Presidential Records Act (PRA), which established public domain over White House materials starting with the Reagan presidency. In an unprecedented 1974 U.S. Supreme Court Ruling, the Court declared that the former president did not have an absolute and un-reviewable privilege to withhold presidential communications, thus compelling him to turn over to the special Watergate prosecutor the very documents that destroyed his presidency. The PRA represented but one of many cornerstone statutes in the flurry of post-Watergate legislative measures passed by Congress to assure a more open and accountable government after the enormous abuses of power and secrecy of the Nixon years. In this volume, Bruce Montgomery addresses these major themes under various presidential administrations starting with the Reagan years and continuing through the Bush administration. The essays address the themes of publicity and secrecy, legislative and executive branch conflict over presidential materials, historical legacy versus open government, and the ramifications of Nixon's inadvertent legacy concerning the presidential prerogative of executive privilege and the disposition of presidential communications.

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