

10 Apr 73

Executive privilege - Kleindienst, appearing before joint session of three Senate subcommittees which is considering the matter of executive privilege, "appeared today to widen the Administration's definition of executive privilege to cover 2.5-million employees of the executive branch of the Government." Says Congress has no power to order any employee of the executive branch to appear and testify before Congress if the President barred such testimony.

"He suggested repeatedly that if Congress wished to remedy the situation it could cut off funds to the executive branch or impeach the President. He also suggested that the question could be settled by a Presidential election." (Ripley.) Lardner also uses the term "repeatedly." "Repeatedly Kleindienst suggested that the only real limits on the President's powers ... are those imposed by public opinion and the electorate. ... 'If [Congress] feels he is exercising power like a monarch,' Kleindienst told the senators, 'you could conduct an impeachment proceeding.'" (Lardner.)

This is the hearing at which Kleindienst, in ~~repeatedly~~ ~~repeatedly~~ reaction to a remark by Muskie which caused some laughter, "waited until the laughter subsided and said in flat, deliberate tones: 'Ha. Ha. Ha.'"

NYT 11 Apr 73, Anthony Ripley

WXP 11 Apr 73, George Lardner Jr.

See also memos on executive privilege, filed separately.

This appears to be the first serious use of the word "impeachment" in connection with any questioning of Presidential power or privilege, telling Congress impeachment was its only recourse and daring ~~them~~^{it} to use it. Rep. Williams Moorhead of Pennsylvania, commenting on Kleindienst's view of executive privilege: "I submit that this is a doctrine of monarchical origin at best, or at worst a totalitarian dogma espoused by banana republic dictatorships."

KPFA News, 12 Apr 73