

ditor APR 7 1973
NYTimes
**Executive Privilege:
Why It Will 'Kill' You**

To the Editor:

I am afraid that Roger C. Cramton seriously misinforms your readers in his March 23 Op-Ed piece, "Why Executive Privilege Won't Kill You." If, as Mr. Cramton argues, executive privilege is not one of the central issues of our time, one reason may well be that Congress and the American public have not sufficiently grasped some changes in the use of the White House staff that began under Lyndon Johnson and have been formalized under the new Nixon reorganization, interestingly accomplished by executive order.

Essentially, the change may be seen in the extensive line administrative responsibilities exercised in the domestic area by Joseph Califano in the later days of the Johnson Administration and by John Ehrlichman in the present Administration. If Mr. Cramton will look at the top administrative structure of the Nixon Administration, he will see that Mr. Ehrlichman, who is in theory only a member of the White House staff, is squarely interposed between the President and the so-called counselors of natural resources, human resources and community development, not to mention the other mere Cabinet members who are under the counselors.

In such a situation, it is seriously misleading to suppose that Mr. Ehrlichman is a purely personal adviser to the President in the sense originally intended by the Brownlow Commission and the 1939 reorganization under F. D. R. The cloaking of such persons in the privilege of immunity traditionally understood to apply to the President's personal staff raises grave constitutional questions [editorial March 14].*

If Mr. Ehrlichman is, as he seems to be, the top man in all domestic policy areas except economic affairs, is he under obligation to testify on the Hill? Or is this a matter at the discretion of the President? If the latter is the case, a good many Congressional committees and ultimately the public will have quite a problem.

The same kind of problem obviously attaches to Messrs. Shultz, Weinberger, Lynn and Butz, who are somehow mysteriously part Cabinet officers and part Presidential assistants. We are surely in for some interesting episodes as these modern Pooh-Bahs are asked to explain which parts of them are privileged and which not.

Instead of reassuring us that nothing new is afoot, scholars like Mr. Cramton would do better to explain the enormous centralization of authority and the curious role of the White House staff under the new reorganization.

W. WAYNE SHANNON
Associate Professor
Department of Political Science
University of Connecticut
Storrs, Conn., March 23, 1973

FILED WATERGATE

NYTimes
[] filed Watergate

Nix Ad

13 Mar 73

Transcript of Nixon statement on executive privilege,
~~#12~~
14 Mar 73.

NYTimes
[] filed Watergate

14 Mar 73

Nixon-Congress Battle

President's Executive Privilege View Brings Issue
Closer to the Crisis Stage

by James M. Naughton

NYTimes
[] this file

7 Apr 73

Letter to the Editor on executive privilege.
