
For the Record

John W. Dean III on Executive Privilege

In a March 1972 newsletter which focused on the legislative right of inquiry, the Federation of American Scientists expressed concern about the tendency of recent administrations to extend executive privilege beyond confidential communications between the President and his immediate counselors. Dr. Jeremy J. Stone, director of the organization, called this article to the attention of John W. Dean III, counsel to the President. Mr. Dean's reply, dated April 20, 1972, follows:

Thank you for your recent letter enclosing a copy of the FAS newsletter with the article on executive privilege. I found the article most interesting.

You have asked whether President Nixon or any former presidents have ever asserted a claim that presidential

aides have blanket immunity from testifying before the Congress on any subject. I am not aware of any public statement by President Nixon or any past president to this effect.

This administration adheres to the same doctrine of executive privilege which has been developed through precedent and tradition, and followed by all recent administrations. The precedents indicate that no recent president has ever claimed a "blanket immunity" that would prevent his assistants from testifying before the Congress on any subject. The fact that this administration has also not made such a broad assertion is clearly evidenced by the examples cited in your newsletter and the testimony of Mr. Flanigan before the Senate Judiciary Committee.

(See editorial on opposite page.)

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W.P.S.