

THE “EMBARRASSMENT PRIVILEGE”

We’ve got to start calling these refusals to testify what they are—because they surely aren’t executive privilege. With Sara Taylor’s plea to avoid testifying because she admires—and apparently took a vow to—Bush it’s not executive privilege because she didn’t speak to him about the USA firings. But we might call her refusal to testify the “I love me my Prezident privilege”—because that’s about as serious as the legal discussion behind it is.

And then there’s Harriet Miers. To justify her refusal to even show up, some DOJ hack suggested that the branches of government are so independent that they cannot force the other branch to show up. They say:

The President is an independent branch of government. He may not compel Congressmen to appear before him.

Someone better tell Duke Cunningham and William Jefferson, because for some reason, when the Executive Branch required them to show up and be investigated, they showed up—Jefferson only even got limited immunity for his Congressional office. Maybe Cunningham can get out of the Executive Branch’s prison, once he asserts the Independent Immunity Privilege, huh?

But the real absurdity is BushCo’s refusal to show up and reveal the truth about when it learned that Pat Tillman was killed by friendly fire. They don’t assert executive privilege. Rather, they’re calling this [Embarrassment Privilege](#) “Executive Branch confidentiality interests”

Oh, and have I mentioned the Exempt from Presidential Records Act but not from Executive Privilege Privilege, being used to prevent Congress from seeing emails sent on an external server?

This is getting absurd—and deserves to be treated with appropriate absurdity in return. It's like a new party game we're playing, the "dream up the most absurd privilege" game. Bush has been playing it already for six months. It's time Democrats realized that fact.