

LET THE SUNSHINE IN

I'm with David Kurtz. In addition to offering good reason to begin impeachment procedures, Bush's dangerous claims to executive and deliberative privilege really ought to invite us to reconsider the notion that Presidents need to hide their deliberations.

As long as we're going to be discussing the parameters of executive privilege in the weeks and months ahead, can we start by revisiting the now commonly accepted notion that the President can only get free and unfettered advice if those giving the advice know it will remain confidential?

Every talking head starts the discussion of executive privilege with a solemn nod to this totem. Heck, even Kevin Drum conceded this point in a [post](#) back in March:

The president and his immediate staff really do have a strong interest in their ability to receive candid, provocative advice, and that interest is threatened if advisors are worried that the ideas they toss around in private are likely to become public. This is an important principle regardless of who occupies the White House.

Is that really true though? Literally, Kevin is right. Presidents do have a strong interest in this principle. But the President's interest, in this instance, is not in line with the public interest. In fact, executive privilege offers the President and his advisers a perverse disincentive to look after the public interest. Isn't the prospect of public exposure of hare-brained ideas,

controversial proposals, and malfeasance and misdeeds the very sort of incentive the public wants looming over the President and his advisers, a dagger of accountability?

Let's consider the kinds of things—or advisors—that Bush and Cheney have been hiding with their invocation of privilege:

- The degree to which Republican operatives can dial up the firing of a US Attorney they don't like
- The degree to which the oil companies own our energy policy (and therefore our security)
- The degree to which Bush helped Enron by postponing a sane response to the California Energy crisis
- The centrality of AEI hacks and other Neocons in building the case for the last war—and the next one
- The open access Bandar Bush bin Sultan had to the President and Vice President's office
- The degree to which big donors dictate our policies

Explain again why we, as citizens, aren't demanding these details?