

Non-executive privilege

by the St. Louis Post-Dispatch

On Aug. 17, 1998, President Bill Clinton set the modern record for insipid rationalizations by a government official, telling a grand jury investigating his relationship with Monica Lewinsky that "It depends on what the meaning of the word 'is' is."

We never thought we'd see that record challenged, but lo, now comes Vice President Dick Cheney claiming he's not a member of the executive branch of government.

This is the same Dick Cheney who threatened to invoke "executive privilege" to avoid divulging the names of people on his energy task force. Who has championed the "unitary executive" theory of government that broadens executive powers. Who has gone so far as to shred the names of visitors to the vice president's mansion in the name of executive privacy. Now he claims what only can be called "non-executive privilege."

Indeed, The New York Times reports that Cheney went so far as to suggest abolishing the Information Security Oversight Office of the National Archives, which had the temerity to ask the vice president to abide by an executive order (issued by President George W. Bush) and file a report on how his staff handles classified information. The office, as its name indicates, oversees the handling of records by the executive branch.

But Cheney's office says the requirements don't apply to him, because the Constitution says the vice president is also president of the Senate, which makes him part of the legislative branch of government, too. Next we'll expect him to claim his duck-hunting trips with Justice Antonin Scalia makes him part of the Supreme Court.

Quoting officials familiar with the vice president's views, The Times reports that David Addington, the vice president's chief of staff, argues that the vice president's office is not "an entity within the executive branch." It depends on what your definition of "entity" is.

A series of articles about Cheney's vice presidency running this week in The Washington Post illuminates Cheney's mastery of the machinery of government and the exercise of power. Whether the issue is energy, the environment, electronic surveillance or the way terrorist suspects are interrogated, Cheney has his way. He acts first and asks questions later - if at all. When he is rebuffed by the courts, as he has been time and again on electronic surveillance and the treatment of prisoners, Cheney and Addington find other ways to work their will.

One secret to Cheney's success is that he's convinced he's right and doesn't care what people think of him or his ideas. In this, he has served neither Bush nor the nation well.

The Post quotes a former White House ally: "The only person in Washington who cares less about his public image than David Addington is Dick Cheney. What both of them miss is that ... in times of war, a prerequisite for success is people having confidence in their leadership. This is the great failure of the administration - a complete and total indifference to public opinion."

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