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executive privilege the dilemma pdf

White House invoked executive privilege to withhold documents subpoenaed by the House Government Reform and Oversight Committee.⁴ With the authorization of a new House subcommittee to investigate the Iranian sale of arms to Bosnia, more assertions of executive privilege are to be expected.

EXECUTIVE PRIVILEGE: THE DILEMMA OF SECRECY AND

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1. In truth, the phrase "executive privilege" originated during the Eisenhower administration. See RAOUL BERGER, EXECUTIVE PRIVILEGE: A CONSTITUTIONAL MYTH 1 (1974); see also MARK J. ROZELL, EXECUTIVE PRIVILEGE: THE DILEMMA OF SECRECY AND DEMOCRATIC ACCOUNTABILITY 44 (1994) (confirming same).

A Critical Comment on the Constitutionality of Executive

THE DILEMMA OF EXECUTIVE PRIVILEGE. Special to the New York ... "There is an issue to be resolved over the extent of executive privilege and whether it is appropriate to release documents when an ...

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Executive privilege is remarkably" Assistant Professor of Law, Georgia State University College of Law. I wish to thank David Barron, Jonathan Entin, Dawn Johnsen, and Eric Segall. See MARK J. ROZELL, EXECUTIVE PRIVILEGE: THE DILEMMA OF SECRECY AND DEMOCRATIC ACCOUNTABILITY 142-57 (1994); Dawn Johnsen, Executive Privilege Since United States v.

Executive Privilege: The Clinton Administration in the Courts

mon law and argue that the executive privilege is a species of it. 25 See *In re Sealed Case*, 121 F.3d at 745 ("The [Nixon] privilege is rooted in constitutional separation of powers principles and the President's unique consti-

EXECUTIVE PRIVILEGE AS CONSTITUTIONAL COMMON LAW

executive privilege offered by the courts. To better understand the executive's stance in this area, this report will chronologically examine the development of the judiciary's approach to executive privilege and describe how the executive has adapted the judicial explanations of the privilege to support its arguments. In *Nixon v.*

Presidential Claims of Executive Privilege: History, Law

overcoming the executive privilege covering the testimony of Lindsey and Blumenthal. 6 The Administration dropped the executive privilege claim on appeal.⁶ In addition to these conflicts in the courts, the Clinton Administration also has invoked executive privilege several times in refusing congressional requests for information.

Introduction to the Symposium: Executive Privilege and the

Reagan claimed executive privilege three times, according to a 2008 Congressional Research Service report (PDF): in connection with investigations into Canadian oil leases, Superfund enforcement ...

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