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EXECUTIVE PRIVILEGE **or is it** **OBSTRUCTION** **OF CONGRESS**

By Steve Bakke  November 11, 2019



A letter on November 11 delights in the idea of piling on charges in the inevitable impeachment of President Trump (“How many impeachment charges?”). The writer suggests “one charge of obstruction of Congress for every subpoena disobeyed and deposition missed.” This presumably would include both the faux closed-door impeachment hearings as well as the Mueller investigation.

My suggestion for the House is to “knock themselves out” with that strategy if they wish, but I remind them that claims of executive privilege have nothing to do with obstruction of Congress. It’s the prerogative of the President to assert that claim. Many presidents have used the privilege. It’s also the prerogative of Congress to disagree. But that’s where the democrats’ public outrage exits reality.

Democrats probably know that disputes about a president’s assertion of executive privilege don’t belong in that vague category called impeachable offenses. Rather, in the real world, if Congress disagrees with the validity of such claims, the remedy is to go to court, not impeach.

As much as democrats might wish it were so, neither disagreement with the President, nor his “annoying behavior” have standing as bases for impeachable offenses.