

## Claims of privilege

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I have reviewed the attached affidavits and claims of privilege, and they appear to be in order. There is no need for the President to approve the claim of privilege in a litigation context. The courts only require that the head of an agency assert the claim of privilege, United States v. Reynolds, 345 U.S. 1 (1952), and the President has not required that such claims be presented to him for approval.

I would suggest that the claims of privilege be altered in one minor respect, and that relates to the use of the term "Executive" privilege. All that need be done here is to lodge a formal claim of privilege, and specify the reasons underlying that claim. Since the papers to be submitted would perform this function without invoking the term "Executive" privilege, I believe that we should conform to the Attorney General's desire to refrain from using the term "Executive privilege."

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