

THE WHITE HOUSE
WASHINGTON

January 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Draft Indian Policy Statement

Richard Darman has requested comments by close of business January 19, on the above-referenced draft policy statement. A summary of this policy statement was released on January 14. The policy statement announces the Administration's commitment to dealing with Indians on a government-to-government basis. It calls for making tribes eligible for Title XX block grants, amendment of the law establishing the Advisory Commission on Intergovernmental Relations to include a representative of tribal governments (42 U.S.C. § 4273), and renunciation by Congress of House Concurrent Resolution 108, 83rd Congress. H. Con. Res. 108, in my view, reads like motherhood and apple pie:

"It is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, and to end their status as wards of the United States, and to grant them all the rights and prerogatives pertaining to American citizenship."

I am advised by Robert Carleson, Special Assistant to the President in the Office of Policy Development, however, that Indians oppose the notions of "equality" embodied in H. Con. Res. 108 as departures from their "special" status, and that renunciation of H. Con. Res. 108 (itself having no legal effect) has great symbolic value. The decision to urge renunciation of H. Con. Res. 108 was made at a Cabinet Council meeting last fall, and has already been announced in the January 14 summary, so it appears in any event to be water under the bridge.

The policy statement also refers to the newly-established advisory commission on Indian reservation economies. On page 10, last sentence, the commission is described as "charged with the responsibility for exclusively advising the President" on Indian reservation economies. I would

object to any effort to characterize any source of advice to the President -- particularly an advisory committee -- as the exclusive source of advice. The President is entitled to solicit advice from whomever he chooses. I would simply delete the unnecessary word "exclusively."

Attachment

THE WHITE HOUSE

WASHINGTON

January 13, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Fact Sheet Re: Indian Policy Statement

Richard Darman has requested comments by close of business today on a Draft Fact Sheet prepared by the Office of Policy Development, covering Indian policy. OPD would like the Fact Sheet and an Executive Order (not yet submitted to us) to be presented to the President along with enrolled bill H.R. 5470. You noted no legal objection to that bill (memorandum of January 10), which, in pertinent part, accords tribal governments the same tax status as states.

The proposed fact sheet stresses the Administration policy of removing obstacles to tribal self-government and promoting healthy reservation economies. The fact sheet notes various initiatives to advance this policy, and any statements in the fact sheet on legal issues are broad and amorphous enough to be innocuous. The fact sheet does state that the President has established an Advisory Committee on Indian Reservation Economies. This presumably is the subject of the as yet unseen Executive Order.

Attachment

THE WHITE HOUSE

WASHINGTON

January 13, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Fact Sheet Re: Indian Policy Statement

Counsel's Office finds no objection from a legal perspective to the draft Indian Policy Statement Fact Sheet, or to the proposal that it accompany H.R. 5470. We have not, however, yet seen the proposed Executive Order referred to in the transmittal memorandum.

FFF:JGR:aw 1/13/83

cc: FFFielding
JGRoberts
Subj.
Chron