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MEMORANDUM

THE WHITE HOUSE
WASHINGTON

June 10, 1982

FOR: EMILY ROCK
FROM: MICHAEL M. UHLMANN
SUBJECT: Emergency Mobilization Preparedness
Board/5th Draft
(Reference #072358PD)

Attached is a copy of my response to Bennett Lewis' request of June 4, 1982.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON
June 10, 1982

FOR: BENNETT L. LEWIS
Executive Secretary

FROM: MICHAEL M. UHLMANN
Special Assistant to the President,
Office of Policy Development

SUBJECT: Fifth Draft National Policy Statement on
Emergency Mobilization Preparedness

Our suggestions as to the first two issues are as follows:

ISSUE #1

We agree with all the comments of Defense, Transportation,
and the JCS Board.

ISSUE #2

The policy statement should NOT preclude the use of DPA
authorities.

OFFICE OF POLICY DEVELOPMENT

STAFFING MEMORANDUM

DATE: 6/5/82 ACTION/CONCURRENCE/COMMENT DUE BY: 6/11/82

SUBJECT: Emergency Mobilization Preparedness Board / 5th Draft

	ACTION	FYI		ACTION	FYI
HARPER	<input type="checkbox"/>	<input type="checkbox"/>	DRUG POLICY	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BARR	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
BOGGS	<input type="checkbox"/>	<input type="checkbox"/>	GRAY	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
CARLESON	<input type="checkbox"/>	<input type="checkbox"/>	OTHER		
FAIRBANKS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GUNN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HEMEL	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MALOLEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
SMITH	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
UHLMANN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
✓ ADMINISTRATION	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

Mike Uhlmann,

Fifth draft attached. Lewis asks for comments by June 11. We will close this out 6/11 on the assumption that if you have not responded that you agree to this draft.

E. Rock

Edwin L. Harper
Assistant to the President
for Policy Development
(x6515)

Please return this tracking sheet with your response.

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EMERGENCY MOBILIZATION PREPAREDNESS BOARD

Washington, D.C. 20472

JUN 4 1982

MEMORANDUM FOR: BOARD MEMBERS

FROM:

Bennett L. Lewis
Executive Secretary

SUBJECT:

Fifth Draft National Policy Statement on Emergency Mobilization Preparedness

The fifth draft of the policy statement is at attachment 1. There are three remaining issues to be resolved.

The issues are discussed here briefly and addressed in more detail at attachments 2, 3, and 4:

ISSUE #1 Does the draft policy statement clearly state the Administration's position on the preeminence of the free market while at the same time allowing for the possible use of standby controls under exceptional circumstances?

I am convinced that all members of the Board share the desire to place reliance on the allocative efficiencies of the free market. Revised language, as recommended in the issue paper at attachment 2, has been introduced in the last two sentences under "Principles" on page 1. I believe this adjustment will resolve the issue.

ISSUE #2 Should the Federal Government use existing authority under the Defense Production Act (DPA) to stimulate increased activity by the private sector in support of emergency mobilization preparedness? Should references to DPA incentives be included in the National Policy Statement?

A change in the language of the industrial mobilization program has been made to make the point that utilization of the DPA authorities would be limited to only those times when it was "appropriate". A discussion of the issue is at attachment 3. If it cannot be resolved prior to the Board meeting, the issue will be decided at that time.

This marking is CANCELLED when separated from the material bearing a protective marking

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2

ISSUE # 3 Should a principle concerning Federalism be included in the policy statement or not?

A principle concerning the respective role of State and local governments has been reinserted in the policy statement at page 3, as recommended by the Office of Policy Development. Attachment 4 contains the request to OPD and their response concerning this issue. Members of the Secretariat will be contacting the Agencies taking issue to be certain that it is actually resolved to everyone's satisfaction.

Responses to Member's Comments

1. Several members suggested that some of the Principles from one sub-section should be repeated in the other sub-section and vice versa. To accommodate this, without being repetitious, the whole section has been reformatted to include a sub-section, General Principles. Nothing else has been changed except the addition of the principle on the role of State and local governments.
2. Several comments were received that the specific policy and program areas now being included make the statement excessive in length as compared to the previous 7 page document. The previous drafts included a 19 page attachment detailing the specific policy, program, and implementation measures which made the complete document 26 pages in length. It has always been intended that the National Policy Statement include the attachment. The changed format, in this draft, provides a document 13 pages in length, compared to the previous 26 pages. I believe that the statement of National policy is more meaningful if it contains the more specific policy and program statements that the Working Groups have developed.
3. It is planned that the implementation measures from each of the Working Groups' preparedness areas will be issued by the Chairman in a separate memorandum when he requests input to the plan of action. The implementation measures are at attachment 5 of this memorandum for your information.

Your comments on the remaining issues in this fifth draft are welcome. Please reply by close of business June 11, if you have suggestions. Otherwise, it is planned to introduce the document to the Board at the June 16 meeting for final approval.

Attachments 6

cc:

Agency Liaison Officers
Working Group Chairmen
Points of Contact

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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 18, 1982

FOR: EDWIN L. HARPER

FROM: MICHAEL M. UHLMANN

SUBJECT: The LOS Decision Process Is Boggling Down --
Time Is of the Essence

The Interagency Group met its deadline and submitted the Presidential decision memo to the Senior Interagency Group late on Friday, June 11.

SIG has submitted the memo to the NSC. I understand from NSC staff that no NSC meeting has been scheduled to consider the memo and may not be scheduled until the week of June 28th or later.

In addition, the SIG gave the various departments and agencies more time to formulate their own separate recommendations on the options presented in the memo. These are to be reported to the SIG by June 21, where they are to be considered and then forwarded to the NSC.

It was originally contemplated that the memo would go to the President in mid-June. It now looks as if the process is going to be extended into July. As you know, the timing of this decision is critically important, and I am very concerned by the delay.

Time is of the essence. Right now there are extreme pressures, both internal and international, being brought to bear on our allies to get them into the Convention and to draw them into an interim process leading to the Treaty and away from any alternative regime. (For example, within the last 72 hours, Canada has proposed to our allies an interim agreement which would preclude their participation in a U.S.-sponsored alternative regime.)

Unless we reach a decision without delay, these pressures against U.S. interests are likely to become controlling. The President's options will be foreclosed.

On Monday (June 21) I will forward to you my analysis of the LOS issues and my recommendations on the options.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 18, 1982

FOR: EDWIN L. HARPER
FROM: MICHAEL M. UHLMANN
SUBJECT: Ancient Indian Land Claims Legislation

There is strong and unanimous agreement among all concerned agencies (OMB, Interior, Justice) that the Administration should support the "Ancient Indian Land Claims Legislation" introduced by Rep. Lee (R-NY) and Sen. D'Amato (R-NY). As you are aware, OMB has a special commitment to this legislation. Interior vigorously supports it, and Justice, after some initial questions, now fully agrees that it should be supported.

Congressional hearings on the legislation are scheduled on Tuesday and Wednesday of next week (June 22-23), and Justice and Interior are preparing testimony expressing support for the bill if certain amendments are made.

The Indians are hostile to this legislation, and when the Administration announces support, we can expect sharp attacks. Interior predicts that after a loud initial outburst, the attacks will die away as the Indians rush to the bargaining table.

The President has been alerted to this issue. Attached is the issue paper that was included in his briefing book of June 14. It provides additional background.

The Indian strategy has been, first, to bring numerous lawsuits which tie up and threaten millions of acres, and then, to avoid serious negotiations while stoking the litigation fires. This brings increasing pressure on the U.S. to intervene in the dispute and to foot the bill for an exorbitant settlement. In effect, the Indians are holding pistols to the heads of tens of thousands of private landholders and slowly pulling the triggers. Only as the hammers are about to fall will they start negotiating seriously with the U.S.

The Lee-D'Amato bill will retroactively ratify ancient land transfers and thus extinguish the Indians' land claims. At the same time, it provides administrative and judicial means to compensate the Indians based on the value of the land at the time of transfer plus simple interest running from the date of transfer. The bill is designed to give reasonable compensation to the Indians and to avoid the kind of excessive bail-out which the President had to veto in the Papago Indian settlement.

In the long run, a negotiated, consensual settlement is probably preferable to a legislative solution. Interior believes that by expressing support for the bill, we will force the Indians to the bargaining table where a quick and fair settlement can be reached. If we do not support the bill, the Indians will continue to dawdle, and pressure will continue to build on the U.S. to pay an exorbitant bailout.

The Indians have played dog-in-the-manger on this issue. Over the past two months, they have known the Administration was framing its position on the bill and that our general inclination was to support it. We have heard nothing from them. Two months ago, I had some Indian groups in and solicited their views. They promised a position paper but have not delivered. Bill Barr has called them six times in as many weeks asking them for the paper and inviting them in for another visit. We have had no response. Now, at the 11th hour, Indian groups are calling in, making threatening sounds, and urging us to further delay taking a position on the bill.

Ancient Indian Land Claims Legislation

The Non-Intercourse Act of 1790 required that any transfer of land by Indians to non-Indians be ratified by the Congress.

During the 1790's and the early 1800's, Indians transferred millions of acres to the States and to individual whites, but these transfers were never formally ratified by the Congress.

Several Indian tribes in New York State have brought suit against the State and individual white landholders seeking immediate repossession of 6 million acres that were transferred in the 18th and early 19th centuries without Congressional ratification. The Indians also are demanding the fair rental value of the land for the entire period of dispossession. This land (half the size of Massachusetts) is worth over \$7.25 billion, and the claimed rental value is worth billions more.

An Indian tribe in South Carolina has brought the same type of suit seeking 140,000 acres worth \$2 billion. Other such potential claims (though on a smaller scale) exist in Connecticut, Delaware, Florida, Louisiana, Maryland, and Massachusetts.

The Indians' preferred strategy is to negotiate settlements involving substantial cash payments and land for new reservations -- all financed by the Federal government. The value of these settlements has historically been exceedingly high.

Senator D'Amato (R-NY) and Congressman Lee (R-NY) have introduced legislation which would ratify past land transactions in New York and South Carolina and provide administrative and judicial means to compensate the Indians. If the bill were enacted, OMB expects that awards to the Indians would total about \$25 million. The bill is designed to avoid the kind of excessive bail-out which you had to veto in Papago settlement.

On June 22 Congressional hearings will be held on the legislation, and the Administration witnesses will be asked to take a position on it. The departments of Justice and Interior, as well as OMB, favor supporting the legislation, but would suggest amendments to require State/local cost sharing to finance the awards.

The Indian community has already attacked the bill, and if the Administration announces support, we can expect a vocal reaction. Their main complaint is that the bill would result in lower cash awards and no tax-exempt land base. However, given the equities in these cases, the bill is fair to the Indians, the white landowners, and the taxpayers.

Ancient Indian Land Claims Legislation

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MEMORANDUM

THE WHITE HOUSE
WASHINGTON

June 21, 1982

FOR: EDWIN MEESE III
EDWIN L. HARPER

FROM: MICHAEL M. ULMANN

SUBJECT: Simpson-Mazzoli Immigration Bill

Reference Number: 072496

As you requested, I attach a comparison of the Simpson-Mazzoli bill with the Administration bill. The first column contains the proposed statutory language as approved by Senate Judiciary. The second column contains the language of the Administration bill. The third column indicates, where relevant, the understanding reached by CCLP (with the President) in April.

The employee identification procedures in Simpson-Mazzoli go well beyond the position of the Administration in the sense that they appear to commit the nation to the development of "a secure system" of identification. You may recall that DOJ was originally not opposed to a national ID card and changed their position only after concern was voiced from over here. As a result, they do not appear to be terribly upset with the language now in Simpson-Mazzoli.

Quite apart from the philosophical problems with a national ID system, there are a number of practical points to bear in mind.

- o No card is any more secure than its underlying documentation. Short of nationalizing birth and death records, no system is going to be "secure".
- o No matter how "secure" an identifier is, as a practical matter the only people who will be asked to so identify themselves will be those who "look" different. This will open us to charges of discrimination by various interest groups.

The legalization procedures in Simpson-Mazzoli are troublesome in at least two respects:

- o Financial. The added costs for welfare and other social services will be massive. (While OMB has not yet completed their cost analysis, their provisional mid-to-high estimate over four years is \$4.4 to \$8.9 billion. By contrast, the mid-to-high estimate for the

Administration's bill is \$179 million to \$1.4 billion over the same period.)

- o Sociological. The core arguments behind the Administration's legalization program were (a) that illegal status should not be rewarded any more than practical necessity required; (b) that it was unfair to ask the American body politic to accept more or less at once anywhere from 3-6 million illegals as permanent residents; and (c) that to encourage too hasty an entry into permanent residence status might tempt otherwise hard-working people to choose to become part of the welfare state underclass. The liberal provisions of Simpson-Mazzoli ignore all three concerns.

While DOJ does not prefer the legalization scheme of Simpson-Mazzoli, they are reluctant to mount a full-scale assault against it.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 21, 1982

FOR: EDWIN L. HARPER

FROM: MICHAEL M. UHLMANN

SUBJECT: Economic Equity Act (For Women)
Reference #072512PD

1. I think it noteworthy that a goodly part of the EEA of 1981 has already been enacted or is otherwise under serious consideration. I will see that Brother Baroody includes these items on his list of accomplishments, in case he hasn't already done so.

2. As to the non-enacted items:

- (a) Pension reform. This covers a multitude of items, running the gamut from how and whether to count maternity leave to the use of sex-based actuarial tables. It is only the last that is being reviewed by the CCLP working group. The other items are more intricately connected with ERISA and would more appropriately be addressed by CCEA's pension working group.
- (b) Standard deduction for head of household which equals that for married couples filing jointly. -- An obvious revenue loss item, which is the reason, I suspect, why no action has been taken. But for that, it might be a political winner, given the large and growing number of female heads of households -- in the same spirit as my "radical" proposal to drop the working poor wholly or in major part out of the tax system. In any event, if we want to look at it, CCEA is the place to do it.
- (c) Job Tax Credit for "Displaced Homemakers". Sounds like Great Society twaddle to me. How 'bout a job tax credit for "Displaced Political Appointees"? Reformed Alcoholics and Drug Addicts? Ex-cons? Somewhere, somehow, we've got to get away from the idea that the federal treasury (front door or back door) is the only or best place to petition for the redress of life's grievances. Bah humbug!
- (d) Armed Forces. I would be delighted to allow the

distinguished Secretary of Defense to wrestle with remaining gender distinctions in the military services. Perhaps the Dinkins Task Force would like to study it? (In which case, we should see to it that someone on the Task Force is familiar with the military's point of view.)

- (e) Alimony and Child Support. What would DOJ do after it studied the problem? That could become our problem, i.e., the involvement of the feds in one helluva lot of domestic relations law, which DOJ and the federal courts should avoid like the plague.

ADMINISTRATION OF JUSTICE

I. Basic Objectives:

1. Promote public safety and order.
2. Improve quality of judiciary.
3. Protect civil liberties of all Americans.

II. Resources Review:

Year	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>
BA	4.34	4.34	4.52	4.58	4.53
Outlays	4.67	4.52	4.59	4.57	4.50
Tax Expen.	--	--	--	--	--

III. Major Achievements:

A. Public Safety

1. Creation of Violent Crime Task Force.
2. Administration-sponsored crime package on verge of Senate passage.
3. Creation of Cabinet-level immigration task force.
4. Major portions of Administration's immigration bill likely to be adopted.
5. Formation of South Florida Task Force on narcotics under VP.
6. Strengthened anti-narcotics enforcement through development of 5-prong approach, repeal of Percy amendment, exception to posse comitatus.

B. Judiciary

1. Appointment to the federal bench of non-judicial activists.

C. Civil Liberties

1. Protection of equal employment without quotas.
2. Protection of equal educational opportunity without forced busing.
3. Support for extension and vigorous enforcement of Voting Rights Act.

4. Proposed Constitutional Amendment on school prayer.

IV. Key Issues:

1. Death penalty; exclusionary rule.
2. Abortion; handicapped rights.
3. Affirmative Action.
4. Coordination of federal law enforcement effort.
5. Assistance to state and local governments.

GENERAL GOVERNMENT -- DEREGULATION

I. Basic Objectives:

1. Promote consumer welfare.
2. Increase productivity.
3. Enhance competition.

II. Resource Review:

--

III. Major Achievements:

1. Adoption and implementation of executive order that requires White House review and cost-benefit analysis and that has withstood court challenge.
2. Reduction of new regulations, as evidenced by drop in number of proposed rules, 1/3 reduction in paper in Federal Register and more than 50% reduction in agency appeal caseload at D.C. Circuit.
3. Identification of 111 major existing regulatory programs for review, with only 36% completed so far but with numerous major completions scheduled for this summer (the savings to date run into the billions in both annual and capital costs).
4. Regulatory reform legislation (essentially codifying Executive Order) has passed the Senate, is awaiting floor action in House, where chances that Speaker will let it go to a vote are better than 50/50. Clean Air Act amendments are very uncertain but still possible.

IV. Key Issues:

Completion of 111 targeted reviews, and legislative changes in Clean Air, Clean Water, Communications, financial services (banking, securities, insurance, S&L's), Natural gas - and possibly also civil rights enforcement (consolidating duplicative agency functions), and food safety (Delaney Clause).

GENERAL GOVERNMENT -- EQUAL OPPORTUNITY

I. Basic Objectives:

1. Maximize employment opportunities for all Americans, regardless of race or sex.
2. Seek legal remedies for victims of unlawful employment discrimination.
3. Minimize cost to private and public sectors without diminishing basic goal of equality.

II. Resources Review:

Year	<u>1981</u>	<u>1982</u>	<u>1983</u>
EEOC			
BA	.141	.139	.145
O	.134	.143	.142
Justice (CRD)			
BA	?	?	?
O	?	?	?
OFCCP			
BA	?	?	?
O	?	?	?

III. Major Accomplishments:

1. Effective remedial relief brought about through enforcement actions, settlements, conciliation agreements, etc.
2. Cost savings to private and public sector through elimination of unnecessary regulations and administrative burdens.

IV. Key Issues:

1. Affirmative Action vs. Impermissible Quotas.
2. Coordination and consistency of federal enforcement efforts.
3. Proposed regulatory changes which, according to civil rights leaders, constitute a retreat on affirmative action and equal employment opportunity.

EEOC

I. Basic Objectives:

1. Enforce age discrimination in Employment Act of 1967.
2. Enforce Title VII of Civil Rights Act of 1961.
3. Enforce Equal Pay Act of 1963.
4. Enforce Section 501 of Rehabilitation Act of 1963 (Federal sector only).

II. Resource Review:

Year	<u>1981</u>	<u>1982</u>	<u>1983</u>
Budget Authority	.141	.139	.145
Outlays	.134	.143	.142

III. Major Achievements:

1. Provided effective remedial relief:
 - 61,785 Title VII charges resolved in 1981.
 - 9,905 age and equal pay complaints resolved in 1981.

IV. Key Issues:

--

JUSTICE DEPARTMENT

I. Basic Objectives:

1. Enforce Federal laws, civil and criminal.
2. Represent U.S. in civil suits.
3. Operate correctional system.
4. Operate immigration systems.

II. Resource Review:

Year	<u>1981</u>	<u>1982</u>	<u>1983</u>
BA	1.30	1.45	1.62
Outlays	1.34	1.44	1.61

III. Accomplishments:

[Note: Because by far the greatest part of the function called "Administration of Justice" is carried out by the Department of Justice, the Major Achievements in the functional statement are the same as those for Department of Justice.]

IV. Key Issues:

[Note: Key issues for Department of Justice are the same as for Administration of Justice.]

COMMISSION ON CIVIL RIGHTS

I. Basic Objectives:

1. Examination and monitoring of civil rights issues.
2. Investigate and report on denials of civil rights.
3. Collect and disseminate information concerning civil rights.
4. Monitor Federal agencies for discrimination.

II. Resource Review:

Year	<u>1981</u>	<u>1982</u>	<u>1983</u>
	(in thousands)		
BA	12,153	12,318	11,626
O	12,137	11,900	11,700

III. Major Achievements:

1. 7 studies completed; 10 in process
2. 2,690 complaints processed
3. 800,000 copies of publications distributed

IV. Key Issues:

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JUSTICE DEPARTMENT

I. Basic Objectives:

1. Enforce Federal laws, civil and criminal.
2. Represent U.S. in civil suits.
3. Operate correctional system.
4. Operate immigration system.

II. Major Achievements:

A. Law Enforcement (Criminal)

1. Creation of Violent Crime Task Force which resulted in specific anti-crime legislative proposals and program.
2. Administration-sponsored crime package on verge of Senate passage. Package addresses (1) bail reform; (2) insanity defense; (3) criminal forfeiture; (4) sentencing reform; (5) protection of witnesses and victims; (6) enhanced penalties for drug trafficking.
3. Formation of Vice President's South Florida Task Force has visibly reduced narcotics trafficking and crime.
4. Strengthened anti-narcotics enforcement through development of five-prong approach, repeal of Percy Amendment (thus permitting foreign aid for drug control), and exception to posse comitatus (thus permitting use of military intelligence for drug enforcement purposes).

B. Law Enforcement (Civil)

1. Protection of equal employment opportunity without quotas.
2. Protection of equal educational opportunity without forced busing.
3. Support for extension and vigorous enforcement of Voting Rights Act.

C. Correctional System

1. Established a Bureau of Prisons Clearinghouse which will locate surplus federal property that

might be used as sites for state or local correctional facilities.

D. Immigration

1. Creation of Cabinet-level immigration task force which has formulated Administration's proposed immigration legislation.
2. Major portions of Administration's immigration bill likely to be adopted.

III. Key Issues:

1. Death penalty; exclusionary rule. (7,8)
2. Abortion. (7,7)
3. Affirmative Action. (9,9)
 - a. Policy
 - b. Enforcement Structure
4. Coordination of federal law enforcement effort. (7,7)
5. Law enforcement assistance to state and local governments. (8,5)

IV. Resources Review:

Year	<u>1981</u>	<u>1982</u>	<u>1983</u>
BA	1.30	1.45	1.62
Outlays	1.34	1.44	1.61

CABINET COUNCIL ON LEGAL POLICY

I. Basic Objectives:

1. Resolve interdepartmental disagreements on legal issues.
2. Review legal policy issues of paramount substantive or political importance.

II. Major Achievements:

1. Administration's legislative program on crime sent to Congress. Key features: bail reform, sentencing reform, forfeiture and other increased penalties for narcotics trafficking, reform of insanity defense, victim/witness protection all incorporated into omnibus bill. Passage by Senate likely. Separate Administration bills still pending on habeus corpus, exclusionary rule, and death penalty.
2. Administration's immigration reform proposals sent to Congress. Prospects for passage good.
3. Administration's anti-narcotics program established. Key points: improved international cooperation, law enforcement, education/prevention, treatment, and research. Legislative successes include repeal of A.I.D. amendment which forbade foreign spraying of paraquat; amendment to posse comitatus statute, permitting increased military assistance to civilian law enforcement. Vice President's South Florida Task Force instrumental in reducing narcotics trafficking.
4. Working groups established to review civil rights policy in a number of critical areas: legal equity for women, equal employment opportunity, and adequacy of enforcement machinery.
5. Administration proposal for constitutional amendment permitting school prayer submitted to Congress.

III. Key Issues:

1. Deregulation of gun control/BATF reorganization. (7,9)
2. Statement of principles on equal employment opportunity. (9,9)
3. Abortion policy. (7,7)
4. Coordination of federal law enforcement efforts. (7,7)
5. Law enforcement assistance to state and local government. (8,5)

ADMINISTRATION OF JUSTICE FUNCTION

I. Basic Objectives:

1. Promote public safety and order.
 - a. Strengthen criminal justice system.
 - b. Attack narcotics trafficking.
 - c. Establish controls over immigration.
2. Improve quality of judiciary.
3. Protect civil liberties and enhance equal opportunities for all Americans.

II. Major Achievements:

A. Public Safety

1. Creation of Violent Crime Task Force which resulted in specific anti-crime legislative proposals and program.
2. Administration-sponsored crime package on verge of Senate passage. Package addresses (1) bail reform; (2) insanity defense; (3) criminal forfeiture; (4) sentencing reform; (5) protection of witnesses and victims; (6) enhanced penalties for drug trafficking.
3. Creation of Cabinet-level immigration task force which has formulated Administration's proposed immigration legislation.
4. Major portions of Administration's immigration bill likely to be adopted.
5. Formation of Vice President's South Florida Task Force has visibly reduced narcotics trafficking and crime.
6. Strengthened anti-narcotics enforcement through development of five-prong approach, repeal of Percy Amendment (thus permitting foreign aid for drug control), and exception to posse comitatus (thus permitting use of military intelligence for drug enforcement purposes).

B. Judiciary

1. Major effort to recruit for the federal bench candidates who believe in judicial restraint.

C. Civil Liberties

1. Protection of equal employment opportunity without quotas.
2. Protection of equal educational opportunity without forced busing.
3. Support for extension and vigorous enforcement of Voting Rights Act.

III. Key Issues:

1. Death penalty; exclusionary rule. (7,8)
2. Abortion. (7,7)
3. Affirmative Action. (9,9)
 - a. Policy
 - b. Enforcement Structure
4. Coordination of federal law enforcement effort. (7,7)
5. Law enforcement assistance to state and local governments. (8,5)

IV. Resources Review:

Year	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>
BA	4.34	4.34	4.52	4.58	4.53
Outlays	4.67	4.52	4.59	4.57	4.50
Tax Expen.	--	--	--	--	--

OFFICE OF POLICY DEVELOPMENT

STAFFING MEMORANDUM

DATE: 6/23/82 ACTION/CONCURRENCE/COMMENT DUE BY: FYI

SUBJECT: Insanity Floor Amendment

	ACTION	FYI		ACTION	FYI
HARPER	<input type="checkbox"/>	<input type="checkbox"/>	DRUG POLICY	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BARR	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
BOGGS	<input type="checkbox"/>	<input type="checkbox"/>	GRAY	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
CARLESON	<input type="checkbox"/>	<input type="checkbox"/>	OTHER		
FAIRBANKS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
FERRARA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GUNN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MALOLEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
SMITH	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
UHLMANN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
ADMINISTRATION	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

ncid 6/23/82

Please return this tracking sheet with your response.

Edwin L. Harper
 Assistant to the President
 for Policy Development
 (x6515)

THE WHITE HOUSE

WASHINGTON

June 22, 1982

MEMORANDUM FOR MICHAEL UHLMANN

FROM:

for EDWIN L. HARPER *by E. Rich*

SUBJECT:

Insanity Floor Amendment

Senator Thurmond announced at the GOP leadership meeting with the president this morning that he was going to introduce a floor amendment making insanity an "affirmative defense," i.e. the burden of proof is on the defense and not the prosecution.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 23, 1982

FOR: MICHAEL M. UHLMANN

FROM: WILLIAM P. BARR

SUBJECT: Senator Thurmond's Comments On
Insanity Defense Floor Amendment
(Reference #072559 and #072593)

I talked to Paul Summitt on Thurmond's staff about the Senator's statement yesterday at a GOP leadership group meeting that he was going to introduce a floor amendment on the insanity defense. Summitt told me that Senator Thurmond was referring to a possible amendment to the Administration's alternative crime package (S.2572). He said, however, that the Senator had made the statement before having been fully briefed and, after discussions late last night with his staff, the Senator has tentatively decided not to introduce such an amendment.

According to D. Lied, Counsel for Senate Judiciary, Senator Thurmond is "inclined to stick with the insanity defense provision in S.2572". However, Lied said that Senator Thurmond was "not strongly committed to that approach" and, if a better insanity defense proposal comes along, may be willing to support it.

Senator Thurmond has authorized prompt hearings on the insanity defense. The first hearing is scheduled for tomorrow. Bob McConnell at Justice has told me that no Administration witnesses would be appearing.

The criminal division at Justice is in contact with Senator Thurmond's office on this issue and is continuing to monitor it. I have asked that he keep us apprised of any developments.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 23, 1982

FOR: EDWIN L. HARPER
FROM: MICHAEL M. UHLMANN
SUBJECT: Columbus Commission letters
Reference No. 076746
No. 072355

Attached is a draft response to Mr. Mott for Mr. Meese's signature. We note that Mr. Mott addressed his letter, "Dear Ed." Note: a copy of my response to Bob Power should be enclosed with Mr. Meese's letter to Mr. Mott.

THE WHITE HOUSE
WASHINGTON

June 22, 1982

6/17/82

Dear Mr. Power:

Mr. Meese has referred to me your letter of May 14, 1982.

Mr. William Penn Mott, Jr., had already alerted us to your activities, and we appreciate your sharing your ideas with us. As you may know, we are engaged in planning for the Bicentennial of the Federal Constitution in 1987 and are focusing our energies on that effort. With the Columbus Quincentennial ten years away, it is somewhat premature for active Federal involvement. For the time being, private activities, such as those you describe, are useful, and we ask that you keep us apprised of them.

Sincerely,

Michael M. Uhlmann
Special Assistant to
the President for
Policy Development

Mr. Robert H. Power
Nut Tree, California 95688

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Meese's

Edwin L. Harper
Assistant to the President
for Policy Development
(x6515)

Please return this tracking sheet with your response.

DRAFT

Dear Mr. Mott:

I appreciate your calling my attention to Robert Power's activities and suggestions.

I forwarded both your letter and Mr. Power's letter to the Office of Policy Development for consideration. Enclosed is a copy of their response to Mr. Power.

Sincerely,

Edwin Meese III
Counsellor to the President

William Penn Mott, Jr.
President
California State Parks Foundation
1212 Broadway
Oakland, California 94612