

THE WHITE HOUSE

WASHINGTON

October 21, 1983

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JL003

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: National I.D. Comments

With respect to your comments on my memorandum of October 19, Brandemuehl's testimony does point out the rising problem of counterfeiting documents used to obtain the benefits of citizenship. One could certainly respond to this problem by advocating the nationwide use of more secure identifiers. Brandemuehl's testimony does not do so, but instead outlines increased law enforcement attention to the problem.

The problem of rampant counterfeiting of INS identifiers and identifiers used by INS is well known and can hardly be ignored, so I do not think recognition of the problem in Brandemuehl's testimony hurts our bill more than does the existence of the problem itself. In fact, Brandemuehl's testimony puts the best possible face on INS efforts to respond to the problem short of establishing a secure national identifier. If you are not persuaded that those efforts will succeed, however, the conclusion you are afraid might be drawn - that we must have a more secure national identifier - could well follow.

I recognize that our office is on record in opposition to a secure national identifier, and I will be ever alert to defend that position. I should point out, however, that I personally do not agree with it. I yield to no one in the area of commitment to individual liberty against the spectre of overreaching central authority, but view such concerns as largely symbolic so far as a national I.D. card is concerned. We already have, for all intents and purposes, a national identifier - the social security number - and making it in form what it has become in fact will not suddenly mean Constitutional protections would evaporate and you could be arbitrarily stopped on the street and asked to produce it. And I think we can ill afford to cling to symbolism in the face of the real threat to our social fabric posed by uncontrolled immigration.

WH2-42077

Be all this as it may, the short answer to your question is that Brandemuehl's testimony does not hurt our bill or compel support, even indirectly, for a national I.D. card. The problem he is discussing, if it cannot be solved by more vigorous law enforcement, does.

WH2-42078

THE WHITE HOUSE

WASHINGTON

October 19, 1983.

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement of Roger P. Brandemuehl
Regarding Federal Identification
Systems and Fraudulent Use of
Identification Documents - 10/21/83

OMB has provided us with a copy of the proposed testimony of Roger P. Brandemuehl, Acting Associate Commissioner of INS, which is to be delivered before the Subcommittee on Courts of the Senate Judiciary Committee on October 21. The testimony reviews the various documents issued by INS which may be used for identification purposes, and examines the rising problem of counterfeiting identifiers for the purpose of obtaining citizenship and the benefits accruing thereto. In particular, the testimony describes how an individual obtaining one key identification document, called a "breeder document," can use that document to secure a broad range of other identification documents. The testimony reviews several efforts to combat this problem, including the establishment of task forces across the country. I have reviewed the testimony and have no objection to it, although, for the sake of any members of the Subcommittee who may be in attendance, I hope that Mr. Brandemuehl is a fast reader.

Attachment

*John -
I've signed, but
are we, indirectly,
committing ourselves
to the Adams
Immigrant Bill
part. I am
alarmed, myself
to a a Nat'l
I.D. process, but
how does this
impact?
→ 10/20*

THE WHITE HOUSE
WASHINGTON

January 4, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill H.R. 4496 - Texas
Band of Kickapoo Reservation Act

Richard Darman has requested comments by Wednesday, January 5, on Enrolled Bill H.R. 4496, which would heap Federal benefits on the Texas Band of Kickapoo Indians. The Kickapoos, originally from the Great Lakes area, did not stop running from their encounter with Europeans until they reached Mexico, where they now hold 17,000 acres of land. The Kickapoos provide migrant labor in the United States, and a group of them made Newsweek by choosing to live in squalid conditions beneath the International Bridge in Eagle Pass, Texas, rather than their Mexican homeland. The bill would: (1) require the Secretary of Interior to develop a list of Kickapoos, and grant U.S. citizenship to anyone on that list; (2) entitle Kickapoos to cross the Mexican/U.S. border free of any restrictions; (3) direct the Secretary to accept up to 100 acres of donated land for a Kickapoo reservation in Texas; (4) give the Kickapoos the benefits of the Indian Reorganization Act; and (5) permit Federal services to be provided the Kickapoos without regard to restrictions that limit such services to Indians on a reservation.

OMB, Interior, and State recommend approval; Justice defers to Interior. While the approach of the bill -- ad hoc exceptions to restrictions in general laws -- strikes me as unfortunate, and while its provisions seem overly generous -- particularly in light of the fact that these are, generally speaking, Mexican Indians and not American Indians -- the bill is consistent with the Administration's recommendations. I see no legal objections, and have prepared a memorandum to that effect for your signature.

Attachment

WH2-16953