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Interior Department representatives today strongly defended the rights of American Indian tribes to tribal self-determination. "Centuries of tribal rights of self-government and self-determination should under no circumstance be abridged based on mere anecdotal evidence," said Interior Department Associate Solicitor for Indian Affairs Derril Jordan today during a Senate Committee on Indian Affairs hearing on Tribal Sovereign Immunity.

Jordan cautioned that hasty action should not be taken to limit long-held Tribal Sovereign Immunity based on anecdotal evidence provided by a few people. "Arguments alleging bias against non-tribal litigants in tribal courts are based on anecdotal evidence that is often inconclusive or not probative." He explained that the Office of the Solicitor, Division of Indian Affairs, is not aware of any problems surrounding the longstanding doctrine of Sovereign Immunity, but has consistently been informed of serious problems in Indian Country as have members of the Committee. "This Committee is keenly aware of the conditions that exist on most reservations. Tribal infrastructure for roads, community water and sewer services, and other amenities that most non-Indian communities take for granted are either absent or woefully inadequate." Jordan advised Committee members that abridgement of Sovereign Immunity can only make matters worse on reservations. He added that it will certainly lead to frivolous lawsuits resulting in bankruptcy and the end of tribal self-government as well as prolific overburdening of the Federal District Courts.

Tribes are faced with enormous problems, and not enough resources, Jordan said. "Health conditions are generally poor, and suicide, alcoholism, and unemployment rates on most reservations are far above those of the rest of the country. Whatever the source of tribal revenues, the needs of the overwhelming number of tribal communities far exceed the available financial resources." Jordan cautioned that the receipt and use of Federal funds could be diverted from providing for the needs of tribal peoples to supporting litigation costs run up by frivolous lawsuits. "There is no documented need for Congress to waive unilaterally Tribal Sovereign Immunity. Such a sweeping curtailment of tribal sovereignty would be reminiscent of the Termination Era."

Assistant Secretary for Indian Affairs Kevin Gover said today that any problems between States and Tribes can be resolved through the government-to-government negotiation process. "The best way to resolve conflicts between governments is to sit down together and find a solution. Government-to-government negotiations are the proven and just way to resolve conflicts." More than 200 agreements between Tribes and States have been negotiated and are in effect concerning taxation and other issues.