Media Contact: Thomas W. Sweeney (202) 219-4152
For Immediate Release: September 27, 1995
Print PDF

On October 11, 1995, the Labor Health and Human Services Committee will consider an amendment introduced by Senator Slade Gorton (R-WA) in Section 30 of the Labor, Health, and Human Services Bill (S. 1221) that will prohibit the Legal Services Corporation from providing legal assistance to Indians, Indian tribes, Native Hawaiians, or Native Hawaiian organizations with respect to litigation that "may effect or infringe on the property rights of another person."

The Department of the Interior's Assistant Secretary for Indian Affairs Ada E. Deer said, "If this language is enacted, it will impede the ability of America's tribal and indigenous peoples from litigating their rights in United States courts of law." Deer questioned the Constitutionality of the provision because it singles out certain identifiable groups and members of such groups and deprives them of services available to all Americans." She suggested that the provision also offends the express language of the Civil Rights Act of 1964, which provides that, "No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Deer pointed out that the United States Senate ratified the International Covenant on Civil and Political Rights in 1994, which makes it a violation of International law if a country deprives its citizens of the rights contained in the Covenant. The Senate report, noted that the overwhelming majority of the Covenant's provisions are compatible with existing U.S. law. Deer was among several U.S. representatives who presented the United States' report to the United Nations Human Rights Committee presented on March 29-31, 1995. During the hearing, the U.S. delegation emphasized that U.S. citizens, including American Indians, Native Hawaiians, and other indigenous Americans, already possess the rights contained in the Covenant by operation of Constitutional and statutory law. Among these rights are the right to life, liberty, and security of person, to a fair trial, to participation in public affairs, and to equal protection of the law. The delegates further emphasized that all individuals within the territory of the United States possess these fundamental rights without distinction of any kind, based on race, color, sex, language, religion, political or other opinion, national or social origin, or other status.

Deer added, "Our nation, and the protections our Constitution accords the people of the United States, has long served as a model to the rest of the world of a just, free, and democratic society. Legislation restricting the Constitutional rights of American citizens is at best an embarrassment, and at worst, a disgrace." She dosed by quoting the Reverend Martin Luther King, Jr.: "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all..."