

Legally golden

DNA-People's Legal Services clocks 50 brilliant, controversial years giving the poor their day in court

BY CINDY YURTH
TSÉYI' BUREAU

WINDOW ROCK — Peterson Zah remembers the exact moment he knew all the hassle, all the late nights, all the push-back involved in establishing DNA-People's Legal Services was worth it.

It was another late night at the office for the young program director when the phone rang.

"It was one of those deals where you're working on something, and the phone's ringing, and the office is closed and you decide to ignore it, but then it keeps ringing and you finally give up and answer it," recalled Zah, now an aide to President Russell Begaye.

On the other end of the line was a distraught young Navajo woman. She had just given birth at the hospital in Green River, Utah.

"She told me the hospital was threatening to keep her baby until she paid her bill," Zah, now 80, recalled. "They told her if she couldn't pay, they would put her child up for adoption."

Zah hopped in his car and headed home.

"I told my own wife and kids, 'Sorry, I won't be having dinner with you,'" he recalled. "I'm getting one of the attorneys and heading to Utah."

Most of the programs funded on the Navajo Reservation by President Lyndon Johnson's War on Poverty weren't terribly controversial.

Home Improvement Training, Head Start, the Navajo Culture Center and Neighborhood Youth Corps were hard to argue with.

But when the tribe took some of the government's cash to start a legal aid program for the poor, bilagáanas in the border towns got their hackles up.

"Long-haired, irresponsible and ill-mannered clerks," hissed Gallup restaurateur Virgie Chavez after the DNA attorneys fixed her in their crosshairs for allegedly stiffing her employees out of overtime wages.

When the DNA went after usurious pawnbrokers, the Gallup newspaper, according to Peter Iverson's "Diné: A History of the Navajos," responded with this barely veiled threat of a headline: "DNA Complaint May End Indians' Pawn Privileges."

Even among Navajos, there was hardly unanimous support for the new program. Zah recalled that it passed the Navajo Nation Council by one vote — fittingly, his father, Henry Zah, broke the tie.



SUBMITTED

Peterson Zah (left) and Leo Haven (right) were the third and second directors of DNA-People's Legal Services, respectively.

Many Navajos were incensed at the new organization's pick for CEO, Ted Mitchell, a brash young Harvard Law grad who had managed to make some powerful enemies (most famously the great Annie Wauneka, who once clocked him on the noggin in the Council Chamber).

Among one group of people, however, praise for DNA — which stands for Diné Bee'íiná Náhiilnah Bee Agha'diit'aahii ("Lawyers Working to Revitalize the People") — was unanimous, and that was its clients. Thanks to DNA, poor Navajos finally had a tool for justice. They no longer had to cower before unscrupulous debt collectors, landlords, car salesmen or even their own government. The phrase "See you in court" was no longer the province of the rich.

And that's probably why, 50 years after its inception on Feb. 20, 1967, DNA is still around, in spite of infighting, attempts to starve it out, Congressional scrutiny and the wrath of the bilagáana merchants.

"DNA has been the sanctuary for people dealing with consumer issues, domestic

violence and all manner of injustice," said its current program director, T.J. Holgate.

It has also brought some landmark cases that went all the way to the U.S. Supreme Court, including 1973's *McClanahan v. Arizona State Tax Commission*, which decided that Native Americans living and working on the reservation don't have to pay state taxes.

DNA cases have established public school districts on Navajo, set precedent for the Indian Child Welfare Act and pressed handicap access to public buildings.

One of its biggest accomplishments, according to Zah, who was the agency's third director, was inspiring Navajos to become lawyers.

"At the time we started," he recalled, "there was no such thing as a Navajo lawyer. We went into all the big high schools on the reservation and tried to convince the kids to go to law school."

Today, Navajo and bilagáana DNA alumni are judges, governors and Congressmen. Hillary Clinton, an early DNA board member, as we all know, narrowly missed being the na-

tion's first woman President.

DNA is not above biting the hand that feeds it either; in 1992 it took on the tribal government for the condition of the tribal jails.

Actually, the tribe doesn't feed DNA; its funding comes from as many as 42 different grants and sources, although Holgate said the agency has pressed the Navajo Nation to contribute to its upkeep for years.

"We would love some new buildings," he said wistfully, noting that most of the 11 branch offices are in dilapidated trailers, and also some housing so the program can lure in more of the idealistic young law school graduates who are its mainstay.

(Zah might argue things have improved; when the program first started, he and Mitchell had to rely on their own carpentry skills to build the headquarters and some of the branch offices after convincing the local sawmill to set aside scrap lumber for them.)

While DNA was a Navajo idea, it doesn't only represent Navajos. Hopis, Kaibab Paiutes, Havasupai, Hualapai and Jicarilla Apache also bene-

fit from the free or low-cost services, along with indigent non-Indians living in its service area. Right now, the Hopis contract with DNA for public defender service, and the Paiutes are having DNA attorneys review their statutes.

"Our service area is almost the size of Montana geographically," Holgate observed.

DNA also helps with the Cobell Settlement Land Buyback Program, the Indian Land Tenure Program, will drafting, income tax preparation clinics and the Native American Rights Fund. DNA's 30 attorneys and 40 support personnel handle between 5,000 and 6,000 cases a year, and according to Zah, it was three times that at the agency's peak in the 1970s.

It may sound like burnout city, but Holgate says he has seldom seen a more dedicated, passionate crew than the DNA attorneys and the agency's board of directors, comprised of lawyers and community members from the service area.

"There's a satisfaction we all feel in knowing our work is helping people get back on their feet," Holgate commented.

What's next for the People's Legal Services? A new and interesting program is the Four Corners Medical-Legal Partnership, where DNA works with local hospitals to help people who are both sick and dealing with legal issues.

"It's amazing how people's medical issues clear up when you get the weight of a bad situation off their back," Holgate remarked.

And while Holgate doesn't want to bad-mouth the present Administration, which after all will have to supply much of DNA's funding, "Let's just say retention of funds will be an issue" in the coming years, he predicted.

Is DNA fated to go the way of Obamacare and, possibly, the Environmental Protection Agency under Donald Trump? Absolutely not, insisted Holgate.

"We've dealt with funding shortages before, and found a way," he said. "We've been here 50 years and we'll be here another 50, keeping the unscrupulous wolves at bay."

Meanwhile, the agency will party like it's 1967, celebrating its golden anniversary with a Southwest Formal Gala Feb. 24-25 at Isleta Casino and selling a commemorative Pendleton robe as a fundraiser. Other events will follow throughout the year.

Information: dnalegalervices.org