

## The Yale Class of '68 and DNA Navajo Legal Services

By Dan Press

Upon graduation, five members of the Yale Law Class of '68, Mike Gross, Sally Barlow, Peter d'Errico., Rich Reichbart and I, relocated to the Navajo Indian Reservation in the Four Corners area to work for DNA, the Navajo Legal Services program, funded by the U.S. Office of Economic Opportunity (OEO). DNA stands for three Navajo words that roughly translate as "Attorneys who bring economic benefit to the People". It is also a play on words because when said quickly, DNA sounds like Dine, the Navajo word for themselves, the People. The program had been started just a year before and was the first time individual Navajos had access to attorneys who did not require retainers to talk to them. As a result, our offices saw clients eight hours a day five days a week, bringing a range of legal problems, some of which went back years for which the clients had been saving documents in shoe boxes in the hope that some day they would have a resource to help them.

Going to work for DNA turned out to be a career-changing and a life-style changing event for most of us from our Class. Four out of five of us went from DNA to careers either practicing or teaching Indian law. In turn, we had a significant impact on Indian law and tribal communities by helping tribes create new institutional structures that strengthened tribal sovereignty and promoted education and employment opportunities. While at DNA, Mike assisted the first Native American community to take over control of the school in its community that was being run (poorly) by the Bureau of Indian Affairs in the Department of the Interior. Using that first school as a model, after leaving DNA, he then helped communities around the country to take over control of their schools and integrate tribal traditions and history into the curriculum. Today there are 130 tribally-controlled schools and a national association that Mike represented for many years.

Sally also broke new ground after she left DNA and settled in Albuquerque. DNA was not permitted to take fee-generating cases, but the Reservation is so remote, the size of West Virginia, that it is difficult for individual Navajos to get to the border towns to find an attorney in private practices and many of those attorneys were not eager to represent Navajo even on fee-generating matters. So, Sally and three colleagues developed a unique solution. They purchased a bus, retrofitted it as a mobile office, and went from Navajo community to community, providing legal representation on fee-generating cases that had never before been available.

While at DNA, I helped to create a program called the Tribal Employment Rights Office (TERO) program in which tribes use their sovereign authority to require all employers coming on the reservation to give preference in hiring and promotion to Native

Americans. Prior to the TERO program, construction companies would come on a reservation to build schools houses, hospitals and highways for the tribal members but would bring their own non-Indian crews so that, notwithstanding the 30 % or higher unemployment rate in Native American communities, the workforce was usually 90% non-Indian and 10% Native American. The TERO program has reversed those percentages. Today over 300 tribes and Alaska Native villages have TERO programs. I continued to work to develop TEROs after I moved to Washington DC and have represented the national TERO organization for 43 years.

Today I am pro bono counsel for a Navajo organization that is working to address historical and childhood trauma, which have been shown by scientists to be a major underlying cause of so many of the problems that plague reservations, including suicide, substance abuse, domestic violence, high school dropout rates, obesity and diabetes. The organization turns to both trauma-informed approaches developed by western medicine and traditional Navajo practices for addressing trauma. To complete the circle, one of the board members of this organization is Peterson Zah, who became the Director of DNA when we were there and who went on to serve two terms as president of the Navajo Nation.

For me, DNA also produced a partial change in lifestyle. Shortly after moving to Window Rock, I bought a pickup truck, (first picture) bought a horse (second picture) and began a 50 year friendship with a Navajo family that has a working ranch in the beautiful mountains on the Reservation north of Window Rock. They taught me how to round up cattle, (third picture) to brand, to string barbed wire fence, and other ranch work. Though it is now almost 50 years since I moved to DC, I still spend three to four weeks a year at the ranch, shedding my city clothes, saddling up a horse, and fulfilling every boy's dream of becoming a cowboy, along with enjoying the 50 year-old friendships.