

DNA Legal Serviced Celebrates 40 Year Anniversary

July 12, 2007

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DNA-People's Legal Services, the oldest and largest legal services program serving Native Americans, celebrated its 40th anniversary on June 22 in Window Rock, Arizona. Board member Sarah M. Singleton attended, bringing greetings from the Board, and LSC President Helaine M. Barnett delivered the keynote address. ([click here](#) for Ms. Barnett's speech) LSC Board member Sarah M. Singleton was also in attendance. Window Rock saw an influx of population as these LSC officials, staff alumni, supporters, and other national & state dignitaries arrived to participate in the celebration.

Commissioner Hugh Hegyi, former DNA staff attorney, was the emcee for the multiple events over the 3 day festivities. DNA's service area includes the Navajo Nation and portions of three states: Arizona, New Mexico, and Utah. This is a remote, rural area where 40 percent of the population lives in poverty, unemployment is consistently in the 50 percent range, and one-third of the homes lack electricity, running water or indoor plumbing.

The impact DNA has made in this community is more than one can easily measure. The Executive Director, Levon Henry, offered a hint of the enormity of the impact when sharing what DNA legal aid attorneys were able to accomplish in just one year:

In 2006, DNA recovered **\$2,051,742** for clients, and helped them avoid paying **\$105,421**

Sponsors of the 40th Anniversary celebration included:

- In honor Peterson Zah, by Eric Eberhard
- In honor of DNA, Jon Trachta
- In honor of DNA, David Quimette
- In honor of DNA, Suzanne Covington
- In honor of DNA Luebben Johnson and Barnhouse LLP
- In honor Peterson Zah, Patricia White and James Nickel
- Barudin Law Firm, P.C. by Ted Barudin
- In honor of DNA, Peter Pudner & Judith O'Connell
- In honor of Bob Erickson and Lorenzo Campbell for their contributions to legal services for low income clients, Bill Cooke

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Remarks As Delivered

Helaine M. Barnett
President, Legal Services Corporation

40th Anniversary
DNA-People's Legal Services
Window Rock, Arizona

June 22, 2007

It is a pleasure to join you today for the celebration of the 40th anniversary of DNA-People's Legal Services.

This is a remarkable milestone that is indeed worth celebrating. It is also an occasion for reflection—on what has been achieved, and the opportunities and challenges that lie ahead.

Forty years ago, the civil rights movement was at its height. The movement began in 1954, when the United States Supreme Court decided *Brown v. the Board of Education* and declared that “in the field of public education, the doctrine ‘separate but equal’ has no place.” In 1964, in his inaugural address to the nation, President Lyndon Baines Johnson started the War on Poverty and declared the Office of Economic Opportunity its national headquarters.

The year 1967, when DNA was founded, was memorable for many reasons. Thurgood Marshall, the architect of the litigation strategy that culminated in the *Brown* decision, was appointed to the United States Supreme Court—the first person of color to become a member of the Supreme Court. It was the year the Supreme Court decided *Loving v. Virginia*, the landmark civil rights case that ended the last race-based legal restrictions on marriage, which then existed in 16 states.

But most important from the perspective of the tribal leaders and legal advocates gathered here today, 1967 was the year DNA-People's Legal Services was founded—the oldest and largest legal services program serving Native Americans.

Forty years later, DNA-People's Legal Services continues the important advocacy and work for civil rights. In a recent report presented to the Navajo Nation Council, DNA recounted the frequent instances of discrimination and hate crimes against Native Americans. This report has been cited in support of the need for full funding for the Navajo Nation's Human Rights Commission.

The civil rights movement continues on.

Although the term “DNA” is generally thought to describe our genetic makeup, I am told that it is also an acronym for a Navajo phrase that means “attorneys who work for the revitalization of the people.”

This is a case where the name alone speaks volumes.

DNA helped develop the Navajo Nation court system that is a model for tribes all across America. A DNA attorney drafted the first Navajo Nation legislation to provide legal remedies for victims of domestic violence. DNA attorneys have argued dozens of cases before appellate courts—dealing with consumer rights, natural resources, civil rights, and Indian law. DNA attorneys also brought a landmark Indian law case before the United States Supreme Court that helped establish the sovereignty of the Navajo Nation [*McClanahan v. the State Tax Commission of Arizona*, 1973]. Last summer, I attended Arizona's first Statewide Legal Service Conference and received a wonderful gift from Levon Henry, who has been the Executive Director of DNA since September 2003. He gave me a book by Lucy Moore—she and her husband were among those who heeded President Johnson's call and headed west, becoming foot soldiers in the War on Poverty here in the Navajo Nation.

The book, which is entitled *Into the Canyon—Seven Years in Navajo Country*, deepened my understanding of the challenges faced by Native Americans. I also witnessed the extreme poverty on reservations for the first time in 2005, when I visited two in South Dakota, the Pine Ridge and the Rosebud reservations.

These experiences also helped me appreciate DNA's most recent victory: a landmark ruling that affirms a key provision of the Religious Freedom Restoration Act of 1993.

As you know, in March of this year, the Ninth Circuit Court of Appeals ruled unanimously that the San Francisco Peaks deserve special protection because they are sacred to 13 southwest tribes and hundreds of thousands of Native Americans. The decision prevented an Arizona ski resort from flooding the Peaks with snow made from what it called "reclaimed water"—a euphemism for treated sewage. (The U.S. Forest Service and the Snowball Corporation have filed a request for a rehearing *en banc*, which is pending.)

As Levon Henry commented at the time, "To get some sense of equivalence, it may be useful to imagine the effect on Christian beliefs and practices—and the imposition that Christians would experience—if the government were to require that baptisms be carried out with 'reclaimed water.'"

DNA—"attorneys who work for the revitalization of the people"—the name alone speaks volumes.

My own legal career began at about the time DNA was founded. For 37 years, I worked for the Legal Aid Society of New York City—I started as a legal aid lawyer and ultimately became head of its civil division. In January 2004, I was afforded an incredible opportunity and privilege: to work on the national level to ensure equal access to justice and provide civil legal aid for the poor.

Let me now share with you some specifics about the Legal Services Corporation, the organization I now serve as President, and its relationship to DNA.

The United States Congress created LSC in 1974 and entrusted it with a dual mission: to promote equal access to justice and to provide civil legal aid for the poor. LSC is governed by an 11-member Board of Directors, which is bipartisan by law. I would like to recognize Sarah Singleton, who is one of the members of our Board and a tireless advocate for equal access to justice in the state of New Mexico, and is with us today.

The members of our Board are appointed by the President of the United States with the advice and consent of the Senate. And it is the Board that appointed me President of LSC.

Each year, as part of the budget process, Congress appropriates money for LSC. More than 95 percent of the money Congress provides is distributed as grants to community-based legal services programs like DNA. These grants are awarded through a competitive process.

This year, LSC is distributing more than \$330 million in grants to 138 legal services programs with 900 offices in all 50 states and U.S. territories. Nationwide, LSC is the largest source of funding for civil legal aid, but not the only source. DNA, for example, receives about 75 percent of its operating budget from LSC and the rest of its funding from other sources.

LSC also provides technology grants, which programs use to increase efficiency and effectiveness in all aspects of their work: practicing law, managing resources, and delivering services. For example, as part of a project called "Computers that Speak of the Law," DNA developed voice-operated kiosks and Web sites to help educate Native Americans about their legal rights. The computers speak both Navajo and English, and can answer questions on issues ranging from domestic violence to paying taxes.

In addition, LSC has a \$1 million pilot Loan Repayment Assistance Program, which is now entering its second year. The goal of this pilot program is to determine whether help repaying law school

loans helps LSC-funded programs like DNA recruit and retain highly qualified attorneys.

Seventy attorneys in 24 programs are participating in this program, including four attorneys from DNA, three of whom are new recruits. Each participating attorney can receive \$5,000 for up to three years, a maximum of \$15,000.

Preliminary data indicate that the pilot is achieving its goal. More than 90 percent of the participants say financial pressure is a “significant” or “very significant” reason they would leave their jobs as legal aid lawyers. Two-thirds say the program makes it “significantly” or “very significantly” more likely that they will stay in their jobs.

But encouraging as this is, it does not address the lack of resources that is at the root of the problem.

As you know, DNA’s vast service area includes the Navajo Nation, our country’s largest Indian reservation, and the most geographically isolated portions of three states: Arizona, New Mexico, and Utah. This is a remote, rural area where 40 percent of the population lives in poverty—more than 80,000 people spread over an area the size of the state of Indiana. Unemployment is consistently in the 50 percent range. One in three homes lacks electricity, running water, or indoor plumbing.

With nine offices and a staff of about 50, including 17 attorneys and 13 tribal court advocates, DNA cannot meet the need for critical civil legal assistance. Although they provide direct services to nearly 4,000 people each year and impact the lives of nearly 10,000, much of the need remains unmet.

Too many of our country’s 4.1 million Native Americans experience debilitating poverty and the attendant consequences of poverty: alcoholism; drug addiction; serious health issues, including diabetes; and a suicide rate three times the national average among youths aged 15 to 24.

Native Americans are more than twice as likely to be victims of sexual assault as either African Americans or whites. Tribal courts have no jurisdiction over these or other crimes committed by non-Indians in Indian country.

This is a tragedy.

Nationwide, more than 50 million Americans live in poverty. Alarming, that includes 13 million children—one in five. These are the people served by DNA and the other 137 LSC-funded programs.

All across America, the number of people living in poverty is growing and resources are not keeping pace.

Access to justice is being denied.

In October 2005, LSC issued a groundbreaking report, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*. It was the first nationwide, comprehensive analysis of the number of people that LSC-funded programs were unable to serve due to lack of resources.

All LSC-funded programs recorded the number of eligible people who came to their offices that they could not serve. On average, for every person served, one was turned away—just 50 percent of

those who actually sought help received it.

The people our programs turn away cannot afford to hire lawyers. Because they cannot afford to hire lawyers, they are, in effect, denied access to justice. Each year, a million or more people who seek help from LSC-funded programs—and are eligible to receive it—are turned away for one primary reason: lack of resources.

If anything, the Justice Gap Report understated the unmet need for civil legal aid. Many who are eligible for help never seek it—they don't know they have a legal problem, don't know help is available, or don't know where to go for help. Moreover, the Justice Gap Report was completed before Hurricane Katrina simultaneously swelled the need for civil legal aid and the number of people without access to it.

But there is hope and the future can be different.

Our findings have had an impact. The Justice Gap Report was cited repeatedly during debate on the floor of the U.S. House of Representatives, in a letter to the House Appropriations Committee signed by 163 representatives, in a letter to the Senate Appropriations Committee signed by 54 Senators, and in a letter to Congress, organized by the National Legal Aid and Defender Association and signed by the general counsels of some 60 corporations.

This year, for the first time in four years, LSC received a budget increase—\$22 million, for a total appropriation of \$348 million. This is our largest congressional appropriation since 1995. We have good reason to hope that we will receive a budget increase next year as well. And we are grateful for our bipartisan support.

Congress is now actively considering the 2008 federal budget. On June 12, a House appropriations subcommittee voted unanimously to increase LSC's budget by \$28 million—eight percent more than we are receiving this year. If enacted, this would be a total gain of \$50 million over the last two years.

But this is just the beginning of a long process—a very long process. Final action on LSC's 2008 appropriation is not likely to come until later this fall.

It is encouraging to see growing support for increased funding for civil legal aid in America, and for helping to provide more low-income Americans with access to justice. Providing civil legal aid for the poor is essential to the principles that are the linchpin of our democracy.

Meanwhile, the message delivered by the Justice Gap Report is being heard—and heeded. Not only is LSC on its way to its second budget increase in two years, major newspapers are featuring stories on the issues confronting poor people. Those stories make clear that what we tend to think of as local issues are often national in scope.

For example, in December of last year, the *New York Times* ran a story about the high-interest “payday loans” that are such a problem for Native Americans. It begins with an account of a 59-year-old military veteran who is a resident of the Navajo Nation. A retired civil servant, he regularly travels to Gallup to borrow money from unscrupulous storefront lenders with names like Cash Cow, Payday Plus, and Fast Buck. Interest payments alone are \$1,500 a month.

In April of this year, the *Wall Street Journal* ran a front-page story about debt collectors who illegally garnish Social Security and Veterans checks that have been deposited in personal bank

accounts—funds that are protected by federal law. This time, the story begins with an account of a 64-year-old widow who cleaned motel rooms for 40 years. Her only income after she retired was her \$867 monthly check from Social Security—until it was illegally garnished. Legal Services Alabama, an LSC-funded program, helped her recover her money.

These newspapers are doing what we in the legal services community need to do more of: tell our story. From our own experience and from public opinion research, we know that many people do not know what civil legal aid is—let alone what the Legal Services Corporation is, what it does, or where it gets its money.

In January of last year, LSC's Board of Directors adopted a five-year plan with a strategic goal: to increase public awareness of—and support for—LSC-funded programs like DNA. To do so, we **must** become better at telling our story ourselves—especially to elected officials, opinion leaders, the news media, and other key audiences.

We must put a familiar face on our client population—as you are doing today by honoring clients whose lives have changed for the better because of legal assistance provided by DNA.

We must heighten awareness of the kind of people we help—women, children, victims of domestic violence, elderly people in need, individuals with disabilities, military veterans, Native Americans living on reservations.

We must demonstrate how our work makes meaningful differences in individual lives—providing shelter for battered women, helping to secure needed medical care, helping families avert homelessness by preventing illegal evictions and foreclosures, and helping elderly people who have been exploited by predatory lenders.

We must demonstrate how our work benefits society as a whole—helping people become self-sufficient and self-supporting by resolving barriers to employment, obtaining benefits for people with disabilities, protecting Social Security and Veteran's benefits from illegal garnishment.

And we must instill hope so that a young man like Joseph Aruguete—the Navajo Nation's 2007 spelling bee champion who competed in the Scripps National Spelling Bee in Washington, DC—continues to reach for all that our country has to offer.

America is the richest nation on earth, yet poverty persists—and with it, the civil legal problems associated with poverty.

Most of those who live in poverty do not have access to lawyers who can help resolve the problems associated with their poverty—problems that may determine whether they have food to eat ... a roof over their head ... needed medical care ... protection from violent and abusive relationships ... personal safety.

This clearly does not comport with the fundamental American principle that justice must be available to all.

Equal access to justice cannot remain an aspiration. It must become a reality. For ultimately, how we respond to the needs of the most vulnerable among us—at their time of greatest need—is clearly one of the ways in which we will be judged to be a civilized society.

America promises justice for all, not just for those who can afford to pay for it. The ideal may never

be fully realized, but we can come closer to it. As Judge Learned Hand said, “If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice.”

With the hard work and commitment of DNA-People’s Legal Services staff and the leadership of Levon Henry, I am confident that on a daily basis, the work continues to bring the members of the Navajo Nation closer to the promise of equal justice for all. Speaking of leadership, I want to recognize that the museum in which we gather today is named for Peterson Zah, the first elected President of the Navajo Nation and an Executive Director of DNA-People’s Legal Services for more than a decade. I also want to acknowledge the significant contributions made by the staff of DNA, some of whom have been with DNA for more than 30 years and are being honored during this celebration.

To further support the hard work you are doing I am pleased to announce that Legal Services Corporation is working in collaboration with the leaders of Native American programs and National Legal Aid and Defenders Association to develop a one-day pre-conference prior to the NLADA annual conference in Tucson, Arizona, in November. This meeting will be built around specific issues that particularly affect the delivery of legal services to Native Americans. We are in the early planning stages but look forward to working with Levon Henry and others to develop a meaningful agenda that will guide our discussions and help direct our future efforts to support the work that you do.

I thank you for all that you have already done and all that I know you will do in the days to come. I look forward to continuing to work with you to ensure that justice is not just for some, but truly for all.

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