

**ZahPeterson 2007-09-19**

M1: [0:00] So we are now recording, and that's the stop button  
-- start, stop --

PZ: [0:03] Put this on?

M1: [0:04] You can put it on so you can hear yourself, and  
you're good to go.

PZ: [0:07] OK.

F1: [0:07] Thank you very much again.

PZ: [0:08] Thank you.

F1: [0:09] Thank you.

PZ: [0:12] Testing, one, two, three... testing, testing...  
Testing one, two, three.

Today is September the 18<sup>th</sup>, 2007, and today's session with  
Peter Iverson, I will be talking about DNA People's Legal  
Services.

The Legal Services Program was born in 1967 on the Navajo  
Nation. And it was really a program that came as a result  
of President Johnson's War on Poverty program at the  
federal level. The Congress established an office called

Office of Economic Opportunity, and under that there were various programs such as the Head Start program, Home Improvement program, Community Development and Education program -- and things like that that would benefit the poor people in this country.

And one of the components of that Office of Economic Opportunity was a program called Legal Services for the Poor. And the Navajo Nation took advantage of that program by applying through the Office of Navajo Economic Opportunity Program. Sometime around 1966, 1965, the Navajo Nation government established its own Office of Navajo Economic Opportunity. And that agency then applied for funding that are made available through the federal Office of Economic Opportunity Program in Washington, D.C.

And one of the components that was very controversial from the very beginning was the Legal Services program. Because the Legal Services program was designed to help individuals who cannot afford the services of an attorney. Where people that are low-income-level families and individuals can seek the advice of an attorney that's employed by Navajo Legal Services Project. [3:00] And that was

something that the Navajo community and the local people really wanted to have, was an independent program where the tribal government will not interfere with whatever those lawyers are doing and pursuing and providing justice to many of the cases that were brought before the local people.

And it was very interesting just to see the beginning of that program. Because of the need to have an independent legal services, the Navajo Nation had to be very, very careful in terms of how they placed this program in the hands of the local folks. So sometimes in early 1967, we organized a community support program for the legal services. We went to the local chapters, we went to the Five Navajo Agency, we explained the legal services program to them, and each chapter selected what they call a DNA representative. And they were the people who represented the 110 chapters throughout the Navajo Nation. And then those representatives then became part of the agency council, and so there were five agency councils, there were 110 chapter representatives throughout the Navajo Nation. And it was that group that then formed the Board of Directors for the Legal Services program. And it became a

very, very strong group, because it was deeply rooted into Navajo communities.

And right from the onset of the program, right from the beginning, many of these individual Navajos started going to Legal Services attorneys for advice and for representation. And they immediately started clashing with the powers that be on the Navajo -- for example, the local schools, the public schools, the BIA local agencies, and even with the agency of the tribal government. [6:00] And we even had a dispute with the tribal court, and the way the courts were set up and the manner in which the -- the way the tribal judges made their decision.

So basically, that's what happened with the organizing of the DNA People's Legal Services Program. And the Navajo people really took pride in working with the Legal Services Program, because for the first time in their lives, they could seek the advice of lawyers on their particular situation. There were many, many Navajo people who buy cars, vehicles off the reservation -- they enter into a lot of questionable dealings with some of the car dealers. They were individuals, sometimes, that did not speak

English very well, and they had to sign a contract with the car dealers, and they really didn't understand what the... the fine lines indicated in those contracts. And as a result, the car dealers, in many cases, took advantage of the non-English-speaking Navajo people. Because many of these Navajo people were working for -- for example, the coal companies, and other huge companies that were operating and employing Navajo on the reservation. And so it was those individuals that organized themselves into a group that really called for the establishment of a Legal Services program for the Navajo.

Personally, in 1966, I was working for Arizona State University, as an instructor for another OEO program called VISTA Volunteers. VISTA Volunteers was a domestic Peace Corps program. Prior to the establishment of the VISTA program in 1966 under the leadership of John F. Kennedy, he established a Peace Corps program. And that was very successful. People got very excited about what Peace Corps was all about, [9:00] and then how they were able to go to all of these different countries throughout the world and help some of the unfortunate people to deal with their economic affairs -- to deal with their problems in those

countries. So it became a very visible program. It did a lot in terms of our relationship with those other countries, because we were sending people to help the poor folks. And that caught the eyes of many of the young aspiring individuals here to volunteer themselves to take two, three years out of their life and devote some of those time to helping the poor throughout the world.

And so the VISTA program was just a domestic program of the Peace Corps. And the VISTA program were assigning volunteers throughout the United States. And the Indian tribes were a good candidate for much of what VISTA had to offer. And so I became the instructor here at Arizona State University to train VISTA volunteers that volunteered their services for two to four years out of their life.

ASU has a university approach -- OEO, in Washington -- and they got the funding to do this. Of course, ASU was also an institution that trained the Peace Corps volunteers. And so that's how I got myself involved.

I was doing very, very well prior to that as a construction estimator for the Navajo Nation, and I was happy with

building a lot of the facilities and buildings that we now have on the reservation. It was a chance where I could work with my hands, and a lot of man-hours later, man-hours that went into what I was doing. But one day, I was recruited by a couple of the people that I admire very much. And one of them was the late Dr. Bob Russell, and another individual named Malin Parker. They both indicated that they would like for me to come to ASU and train VISTA volunteers.

And so I did that for a couple of years, maybe, and then I went back to the Navajo Nation in early 1967, [12:00] because one day I was teaching in a classroom here at ASU - - teaching the VISTA volunteers. And I saw this one person walking back and forth in the hallway. And when the door came, people came, the students came, and when the door opened, that guy didn't look familiar, and I knew that he was not from the Southwest or from Arizona because he was wearing a real loud necktie and he had a nice suit. And he was just a young man, maybe 28, 30 years old. And when I was finished with my class, this person came into my class, and he started talking with me. He introduced himself as Theodore R. Mitchell. And he says that "I am a recent

graduate of Harvard Law School -- I actually went to school here at Phoenix Union in Phoenix, Arizona, and I did my -- I got my law degree from Harvard University just about eight months ago. And I am the new director of the Legal Services program that they want me to establish."

And he says that "I am here to talk to you to see if I can convince you to come back to the Navajo." And I told him I was happy at ASU, I was living here, I was buying a house and happy with my family. And so he just said, "Well, if you are to come with me, here is some of the things that we want to do." So we just had that conversation in the classroom, and then he says, "I'll come back some other time, because I've got a lot of business to do here in Phoenix."

So the next time, maybe three weeks or a month later, he came back and he said, "Have you made up your mind? Have you thought about what I told you?" And so Mr. Mitchell was very, very aggressive. And so then I started thinking about what he was telling me. And he says, "I really, really need help. I really need help in the area of working with the Navajo people. Since you have the ability



to talk Navajo and you also have the ability to speak very well English, and you have the experience in both the Navajo culture, Navajo society, Navajo communities, and then you also have the experience of living here in Phoenix, [15:00] where you know the non-Indians very well - - I just really, really need that kind of a person to help me start this project."

And at that time, the Legal Services program did not have a name. So as we organized throughout the Navajo reservation, working with the local people who were selected and elected by the local people to serve on the Legal Services Board of Representatives, we started working and formalizing a formal organization. And worked with the local bar association from the three states -- mainly Utah, Arizona, and New Mexico. Each of these states had what they call a bar association; the lawyers belonged to those bar -- local bar association, county bars and state bars. And they had representative on the DNA People's Legal Services Board. And of course the Legal Services Program became that later on.

And so from those state bar association and then from the local agency council and chapters, we formed a board. And I remember one of the first meetings that we had, we needed interpreters, because many of the Navajo people who got on the Legal Services board did not know how to speak English. And one particular person that was of interest to me was an elderly person -- I believe he was about eighty years old at the time -- a person by the name of John Rockbridge. And John Rockbridge came from the Black Mesa area on the Navajo Nation. And John was one of these individuals that was a tribal judge way back in the '30s and the '40s. And he was a very wise individual. And he became a board member -- he didn't speak English, and so he needed an interpreter. And so the program director, Ted Mitchell, always wanted me to put a microphone on his head, on his ears, and I was his interpreter. Interpreting to John what the proceedings of the meeting.

And the subject of naming the Legal Services program was the first on the agenda, and how it should be organized. And the bylaws had to be adopted by the board and then formalized by the board. [18:00] So those basic, basic things had to be done. And the subject of naming the Legal

Services program, I thought, was going to be just a simple, maybe five-minute discussion. But I was wrong. The naming of the program took about two to three hours, a long debate on naming. And finally John Rockbridge rose at the board meeting and he says, "I would like to speak to the issue." And he explained, very, very eloquently, what went in his mind as the discussion took place and as he listened to the debate. And he says, "I want to make a motion in naming this Legal Services board, and I want to call it Dinebeiina Nahiilna be Agaditahe. And everybody kind of laughed, and they said that "Mr. Zah, you now have to interpret all of that into English -- English meaning. What did Mr. Rockbridge say?"

And what it really meant was, "Dine" is the people. Beiina is culture. Nahiilna is the revitalization. And so what John had in name was, why don't we call this program the Navajo People's Program. And the cultural revitalization -- that's what we're trying to do. And then all of that concept is lawyers, be Agaditahe means it's lawyers. And so that's the way that John explained it, so we named the program Dinebeiina Nahiilna be Agaditahe. And so John's motion carried, and that's how the program got its name.

It was through the old, experienced, wise individual who had a lot of experience in working with the cases that came before him.

And I always admired John Rockbridge for what he did. And then I got to know John very well, because he was involved in many of the cases that we handled. He appeared in federal courts with us -- I was always his interpreter. And while I was doing all of that, I learned a tremendous amount of Navajo values, Navajo culture, Navajo language -- the behavioral pattern of the elderly people. [21:00] And even learning how to speak to people. And the protocol that people have to go through. And so not only was I being helpful to John by interpreting for him, but I learned so much from that individual, because he was always in high demand to come to federal court, for example, on many of these cases. And he had a good sense of humor at the same time. And John lived to be over 90 years old, until we lost him sometime in the late 1970s. And so he was one of the -- in my own mind, an outstanding spokesman for the Navajo people. He always had some wise things to say -- he didn't say much throughout the day, but when he decides to open his mouth and talk, I always tell young

people, you better listen. Because he doesn't always talk all the time, but when he does, there are some good things that come out of that individual.

And so basically, that's how the program was named. We were getting something like maybe, at the beginning, almost \$3 million a year. And that enabled us to hire about 30 lawyers, about 30 tribal court advocates. The advocates were lay advocates who practiced law in the Navajo Nation courts. And then we had all the other support staff. The thing that was also intriguing to me was, when I asked the program director Ted Mitchell, I said, "Ted, we have this money from the Office of Economic Opportunity, but nowhere in there does it say that we should use the monies for the building of the offices. We don't have any office space. Where are we going to get an office facility? We've got to have an office in all the five agencies throughout the Navajo Nation." And Ted just kind of listened, smiled a little, and said, "Mr. Zah, that's why I hired you. You figure that out, how we can get these facilities." And he said, "If you can't find them, create them. You build the office, because you're a carpenter." [24:00] And he says,

"I remember looking at your resume -- you're a journeyman carpenter, so you should just help me build those offices."

So the next thing I did was that I went to the Navajo Force Products Industry, which was a tribal program, and they were the people who had the sawmill established in Navajo New Mexico. And they were cutting trees and hauling in logs, and they were producing lumber. And so I went to them, and I had some boards, two-by-fours, two-by... two-by-six, those kinds of materials that we needed to build offices. They were donated by the Navajo Force Products Industry Board, and then we bought some of that using the Legal Services Fund.

So we built the five offices throughout the Navajo Nation. And we put all of the thirty lawyers into those offices to begin working with people. And right from the beginning, many, many Navajo people came to those offices. And I could remember when we opened those offices after building them, opening those offices, we would have a grand opening the next day. The reception room was just full of clientele -- people ready to see lawyers, see tribal court advocates. And it was something that was really also

amazing to me, how the program was really, really needed. It only brought out this concept that the Navajo people were looking for -- the advice and the work of lawyers. And so that was the beginning of the DNA People's Legal Services Program.

Many, many of the thirty non-Indian lawyers that we had in the program really did not have all of that much experience. And I think we hired two or three experienced lawyers, out of Phoenix and Farmington and Albuquerque. And their job was just to work with the inexperienced lawyers that came out of the law school in being lawyers. And so that's how the program was built as far as the work of the legal services attorney.

And then one of the other things that I did within that program, and one of my responsibilities, was to recruit lawyers. [27:00] And so every year I used to pack up my luggage and my toothbrush and all of that and I took a trip out to the East Coast. And I visited Boston University law school, Harvard University, Yale, Columbia, Cornell, NYU, and then I went into Chicago and I visited two, three law schools there. Then I went into San Francisco, Boalt Hall,

went into Los Angeles, USC, and visited both of the schools here. At that time, there were no school here -- law school here at ASU. So I went over to the University of Arizona in Tucson, and also recruited some lawyers out of there.

And so what I did was talk to all the students that were interested in legal services. There were a lot of lawyers that were interested in working for the Legal Services Program. And so I kept a file on all of the first-year law students, the second-year law students, the third-year students at all these law schools. And we managed to get enough funds to bring them out there in the summer. And they did some -- they clerked for us. They did some law clerk work for the DNA Legal Services Program.

And I remember when Legal Services became so controversial that the federal program was having difficulty dealing with the Legal Services project. Because they were constantly asking to me good questions of what those federal agencies were doing. Like in our case, we were always challenging the work of the BIA. And so I guess the Secretary of the Interior got tired of us, and so did all the other federal



agencies in Washington. And so there was a lot of debate at the American Bar Association about what to do with the Legal Services program throughout the nation.

And so as a result, the Legal Services Corporation was created by the federal government. And for that entity to be separate and apart from all the other programs. And so that's when I started working with the first Legal Services Board. And I remember when people like Hillary Rodham was nominated by one of the Presidents -- I believe it was President Carter who recommended her to be on the board.

[30:00] And then we from the American Indian program also recommended a person by the name of Dick Trudell, from California -- Berkeley, California area. And he became our representative. And Cecilia Esquer, an ASU law graduate, was also a Board member on that board. And so I worked with all of these folks when they were in office as Legal Services Board representatives. And so that's how I got to know some of these people. And that was even before Hillary Clinton married Bill Clinton. And we made our presentation to the Board about some of the controversies that we were involved in.

So the Legal Services program was a project that got all the people excited, and I believe it was during the early 1970s, 1972, '73, we started handling many of the Supreme Court cases. We took a lot of cases to the United States Supreme Court. And we also won a significant number to raise an issue with the federal agencies. And those cases then became a precedent case nationwide; one of them was the McClanahan case in the state of Arizona, where it questioned the taxation of the state of Arizona on an individual that lives and works on the Navajo Nation, and then having to pay state income tax. And the Supreme Court ruled that Ms. McClanahan, since she has her allegiance to the Navajo Nation government and she is stationed on the Navajo reservation, she gets her income off a program that is located on the reservation -- she really wasn't obligated to pay state taxes.

And so that became a huge tribal sovereignty case. To me, that was kind of like the beginning of the tribal sovereignty movement throughout the nation. And subsequent to the McClanahan case, then many of the other similar cases was then brought to the federal courts, [33:00] and

worked its way all the way up to the United States Supreme Court.

And so right from the beginning, DNA had this huge, huge impact -- legal impact about some of the cases that was handled by our Legal Services attorney. And so basically, we had some interesting cases that we handled through the federal court system against the state -- against the federal government. We also had many, many cases that were brought to us by Navajo people. We handled a large volume of cases, and it was not unusual, for example, to be handling ten to twelve thousand cases per year at DNA Legal Services. And so that meant a lot to the Navajo people, that meant a lot to us -- it sent the message to people that Legal Services was sorely needed among the poor people in this country.

One of the things that, to me -- probably the most important thing that we did as a Legal Services program -- probably was to create a situation on the Navajo so that Navajo young people could become lawyers. Because up to that point -- up to 1967, '68 -- we, as Navajo Nation, did not have one single Navajo lawyer that was practicing out

there, who was a law graduate and that was licensed by the state. We didn't have anyone. And so we were forced to recruit all of the non-Indian lawyers from these law schools that I just named. And one of the things that we did and said at the Legal Services program was, why don't we institute a program at DNA whereby we can go to the local high school -- the local high school throughout the Navajo Nation -- get to the senior class, get to the juniors and sophomores, and then start talking to them about the kind of cases we were handling and try to motivate the young Navajo? [36:00] And then help them get into law school? And to do that we had to work with the scholarship office, and then one of the other things that I did on the side at the Legal Services program was to create a scholarship for Navajo lawyers. So I worked very closely with the [Foundation World?] in New York, and was able to raise money from them to establish a Navajo lawyers program -- scholarship program, I mean.

And from the foundations, from the corporations and from the tribal government, we were able to put together a significant amount of funding for any person that we have employed who's a Native American. Who's able, capable, has

the academic credential and wants to go to law school -- we used that newly established fund to send them on to law school. And it was something that we wanted to do, because by that time, we were into the high school -- talking with the high school kids. And so by doing that for maybe four or five years, all of a sudden there came a growth among the Navajo young people, where many of them were beginning to take a serious look at the law school. So as a result, something like maybe ten years later after starting the program, we began looking at some real Navajo lawyers. And those Navajo lawyers then came back to work for us at DNA as lawyers. And then from there, after they had their experience working at DNA People's Legal Services Program, representing clients and gaining some knowledge about how they practice -- how to practice law, then they eventually end up going over to the Navajo tribal government. As tribal attorneys, as tribal judges, as tribal prosecutors. And to help run the tribal government.

And so that was really, really exciting. For me, [39:00] probably the most important thing DNA People's Legal Services ever did. Yes, we did handle some United States Supreme Court cases; yes, we did volumes and volumes of

legal cases that were so important to the Navajo people. But above all of that, I think, is the creation of the young people, and having them become interested in going to law school and someday becoming lawyers. And as a result, after doing that for maybe ten years, being heavily involved in local schools and creating the atmosphere among the young people that they are able and they are capable individuals, if they have a good credential, scholastic ability, then we were able to influence their life by doing to law school. That, to me, was probably the most important thing that we did. So in there was the work of the Legal Services Program.

And I'm very proud to say that to this day, DNA just celebrated its 40<sup>th</sup> anniversary this past summer. And the program is still running, program is still operating -- the program is still representing a significant number of Navajo people. And not only the Navajo people, but others. Somewhere along the way, somewhere in the mid-1970s and late 1970s, many of the other Indian tribes adjacent to the Navajo also wanted to have a legal services program of its own. For example, the Hopi, and then the White Mountain Apache. And then all of the other indigent poor people in

these border towns like Gallup and Farmington, Page, Flagstaff. And all those areas also wanted to have a legal services program of their own. So DNA was able to establish those offices in those areas, one on the Hopi and one on the White Mountain Apache, for example. And then maybe one or two in other cities. And so it now has a significant clientele base that goes beyond the Navajo Nation. So it expanded, [42:00] and not only in terms of their services, but with the number of employees and then also their ability to generate a tremendous amount of local support for the program. And so I'm very proud to say that whatever groundwork we laid was to ensure the continuity of the DNA People's Legal Services Program.

Many of the American Indian students that come to the law school here at ASU, they'll always say something about them becoming interested in law because of what they experienced and what they saw at the DNA People's Legal Services Program. And so that was something that we did right from the beginning, was to create that kind of atmosphere among the Indian people here in the Southwest.

I think that's something that I just wanted to say about the Legal Services program -- maybe there are others that you want to ask me. Can we just...

PI: [43:24] Take a break for a minute.

PZ: [43:25] Yep. A breather.

PI: [43:26] Yeah. That was terrific. I thought that was your -- of the interviews, of the conversations that you've had so far, that one really was excellent, I thought. And I was glad you went ahead without me. (laughter) I left some questions for me -- I don't know if you saw those; they were left in your mailbox in Indian Studies. And so -- but you were, of course, speaking to a number of those points anyway, as I knew you -- knew you would. I just didn't quite get there in time to catch you yesterday afternoon. But it was -- these were just sort of some ideas I had about things you could, you know, talk to. We don't have to do it today -- we could do it another time, but. (pause) And if there's some things you don't want to speak to, that's of course fine too. (pause)

PZ: [45:05] OK.

PI: [45:06] OK?

PZ: [45:17] Peter, we'll go to the questions that you submitted to me. And these are my own personal views --



PI: [45:29] Sure.

PZ: [45:30] And I'm pretty sure that other people will have their own personal views --

PI: [45:37] Of course.

PZ: [45:37] -- about some of these situations and people.

PI: [45:39] Of course, of course. But because... excuse me. Because DNA has been here for 40 years, it means, especially for younger people, they don't -- you know, this is -- a lot of these things are new to them. They weren't there when Mrs. Wauneka had that confrontation, you know, with Ted Mitchell, and a variety of other things. So I think your ability to give a first-hand kind of perspective on this is really important.

PZ: [46:08] OK. There was a lawyer by the name of Norman Littell. I didn't know the gentleman all that well personally, but I know to some degree about his work and what he tried to do and what he represented. And Norman Littell, as I understand Navajo history, was really involved in what was going on on the Navajo, way back in the '40s. And maybe early 1950s, late 1940s. And he knew some of the leadership on the Navajo, and was acquainted with some of the Navajo people that had a significant role

in the running of the tribal government. He also knew some of the people on the Hopi side.

And as I listened to some of these individuals and as I read some of the history of the Navajo people, Norman Littell, at one time, was really trying to have -- working and trying to have the Hopi people, the Hopi tribal government, hire him as their lawyer. And it never, for some reason, it never really panned out. And it's ironic that, as I understand it, John Boyden was also doing the same thing. John Boyden was a well-known Hopi lawyer that handled the land case between Navajo and Hopi. And John Boyden was also doing the same thing. He came over to the Navajo and knew some of the Navajo leadership just as well. And the two lawyers were, I guess, jogging for position with these two tribes. And John Boyden, as the way Anna Wauneka would tell it, came to the Navajo council and was really interested in being employed by the Navajo. And the Navajo people didn't really support that, and the Navajo council rejected his offer to become a tribal attorney for the Navajo Nation. [49:00]

And so as soon as he walked out of the council chambers at the Navajo, he just drove right over to the Hopi tribal council and told them about what happened, and they hired him. And so since that happened, then there was no, I guess, other choice. The Navajo people just had to now deal with Norman Littell. Because Norman Littell also knew something about the land situation, too. So that's how Norman Littell, as I understand it, ended up working with the Navajo Nation.

And Norman Littell, his office was in Washington. Even though he was the general counsel to the Navajo Nation, he really did not have an office in Window Rock. He did have people that he relied on that was working for the tribal government, and I think they were the ones that established the Navajo legal department. And Norman Littell was an individual that really pushed that. But his main office was in Washington D.C., to work with those federal agencies, to work with Congress, and to work with the federal government and the incoming administrations that were running the federal government.

PI: [50:32] And that was fairly typical, wasn't it? I mean, there were a lot of lawyers who served and came out of,

like, a Wilkinson, (inaudible), and Parker firm and so forth and so on. And Boyden had the advantage of being relatively close by, being in Salt Lake City. But this pattern -- they would just come out, you know, occasionally. But I know Littell argued, or suggested, that if the Navajo tribal council did not step into certain situations, like the court system and a variety of other things, that they were going to be in real trouble. Because in the spirit of that termination era, they were -- the states and the local level were probably going to attempt to take charge of things. So you see how active the council became, for better or for worse, in that regard. And he certainly -- from my reading of it, at least, he was a pretty powerful figure for a number of years. Eventually, as I remember, Chairman Nakai -- once he was elected, and Littell was soon to be gone.

PZ: [51:34] Well --

PI: [51:34] But he was there for a long time.

PZ: [51:35] Yeah. Norman Littell was there for a long time, and he's probably a typical general counsel for an Indian tribe.

PI: [51:48] Mm-hmm.

PZ: [51:49] And he was one of these individuals that was really interested in -- in the power.

PI: [51:55] Mm-hmm, mm-hmm.

PZ: [51:57] That he would generate for himself on the Navajo. He was the most powerful person for the Navajo Nation government. A lot of the things that he did, he created it with that in mind. And was -- how would he... how would he establish certain offices so that it would make his work a lot easier. And thereby became a very powerful individual.

And one of the things that, I think, that he created as a result of that, was this concept throughout Indian country that when people want to go see the chairman -- when the people wanted to see the elected American Indian leadership, sometimes people get disappointed because they don't get to see the tribal chairs. They don't get to see the tribal governors or president. But they end up having to talk with the general counsel -- the lawyers. The non-Indian lawyers that represent these tribes. And Norman Littell, to me, was one of those individuals that created that kind of atmosphere, first for the Navajo, and then eventually you saw the same thing happening with the other American Indian tribes. It was Norman Littell that handled

the Navajo-Hopi case against John Boyden. And so there's a lot of history between these two powerful, powerful individuals. Two powerful lawyers that represented an Indian tribe here in the Southwest.

Norman Littell also came to every Navajo Nation council. And provided an advice to the Navajo Nation council -- whatever the subject was, he was... he was always there to get an input into the discussion. And he did not necessarily represent Navajo individuals. And because there were some Navajo individuals that wanted his representation, he just simply created the Navajo legal department and hired his own lawyers that he recruited and put them into that office. And they said, "You go represent these individuals, and they want some legal advice, and you go give it to them." He had, according to him, he had to deal with larger issues that involved the whole Navajo Nation and its counsel. And so there were [55:00] those kinds of activities that he promoted among the Navajo people.

PI: [55:08] He was very involved, wasn't he, with the early negotiations with Peabody and with some of these other oil or coal companies? In terms of what kind of -- what kind

of profit or what kind of royalty, you know, would come? I remember talking with Robert Young, the linguist, many years ago, and he said, "When Littell thought he had worked that really good deal for the tribe, he would come down the aisle in the chambers and be waving a piece of paper. He was wearing a white suit, and he -- it seems as though, from my outsider's perspective, he -- and this was hardly unique in the (inaudible) -- he was -- he really knew how to work that system, and he really was a very powerful figure, especially in the 1950s, I guess.

PZ: [56:05] If you pay attention to some of the legal activities with lawyers related to Navajo history, Norman Littell is always somewhere. In everything that the tribe did, whether that's leasing minerals, dealing with the coal companies, oil companies, dealing with all of these kinds of corporations -- it was always Norman Littell that had a big say-so in what the Navajo Nation council did. And so he was --

PI: [56:49] A long shadow.

PZ: [56:50] Yeah. He was an entity --

PI: [56:53] Mm-hmm.

PZ: [56:54] -- on the Navajo that had to be dealt with. He was an institution --

PI: [57:00] Yes. That's a good way to put it.

PZ: [57:01] -- on the Navajo Nation. And he had certain things that he wanted to do, and he made sure that those things that he wanted was done by the Navajo government.

And it was because of that kind of, I guess, management of the tribal government that really got people like Raymond Nakai, the former Navajo chairman, who really started campaigning among the Navajo about how powerful this white lawyer is among the white people who come out of Washington. And that was kind of like a rallying force for Raymond Nakai to use to get elected. And so it was something that the Navajo people are, back in those days, older people are very, very familiar with the work that this one particular lawyer did on the Navajo Nation.

And I believe it was at that point that Ted Mitchell came into the picture. Because the way the Navajo people saw the situation was that, you know, there was politics going on on the Navajo -- there were a lot of discussions about what the white lawyer was doing and how he represented the Navajo Nation and how he was so powerful. Well, comes right at that point, came along Ted Mitchell, who was



expressing individual rights. Representation of individual Navajos. And all of that. And how he supported civil rights and promoted the freedom to do certain things -- the freedom to worship whatever you wanted to worship. Ted Mitchell got involved a lot with the Native American church -- the Native American church was not popular at the time.

PI: [59:30] No.

PZ: [59:30] And Norman Littell took exception to all of that. And then the -- the political figure, Raymond Nakai, picked that up and also ran with that. Because it was through Norman Littell's urging that the Navajo council passed a resolution saying that the Navajo people should not -- should not belong to the Native American church. Navajo people should not practice the -- the Native American religion. On the Navajo, that was something that came out of other -- other tribes. That came out of somewhere else. And he says, "You have your own religion here on the Navajo." So Norman Littell became an advocate against the Native American church.

Well, Ted Mitchell came along, and he says, "Norman Littell is wrong. You have freedom of religion just like anywhere else in America. You're free to believe whatever you want

to believe in." And so right immediately there was a clash between two lawyers on the Navajo Nation that developed into a huge controversy on the Navajo reservation.

And so Raymond Nakai won the election when he first ran. And when he ran, this was in the late 1950s -- one of the first things he did was to fire and get rid of Norman Littell. And I remember there was a huge controversy because --

PI: [61:37] Yes.

PZ: [61:38] -- my father was the tribal council delegate --

PI: [61:40] Oh. Uh-huh.

PZ: [61:41] -- at the time. And my father took the side of the position that was being advocated by Raymond Nakai. He aligned himself with the Raymond Nakai forces, and as a result they ended up getting rid of Norman Littell.

And I used to go to those council sessions, and as a young man -- and I used to just sit there and just listen to many of the debates. And a lot of the debate revolved around civil rights of Navajo people, versus the tribal rights --

the tribal government rights. And to me that was so interesting.

PI: [62:25] You got to see Mrs. Wauneka --

PZ: [62:27] To, to, to --

PI: [62:27] -- hold forth.

PZ: [62:28] Yeah.

PI: [62:29] Among other people.

PZ: [62:30] Yeah. To hear --

PI: [62:32] Mm-hmm.

PZ: [62:33] All of the debate from both sides. It was very, very interesting.

PI: [62:37] Mm-hmm.

PZ: [62:38] And anyway, the Navajo Nation council ended up firing Norman Littell, and it was the effort of Raymond Nakai and his forces in the council. And it was something that was quite significant among the Navajo people to see all of that. And I believe it was subsequent to all of these events that DNA came along and was really advocating for the rights of individuals among the Navajo people. And as a result, you have the Navajo Bill of Rights. When Raymond Nakai came in, one of his biggest accomplishments is to have the Navajo council pass a Navajo Bill of Rights,

that is almost like the Bill of Rights that you have in the United States. And that became the tribal law, and that just was something that Raymond Nakai wanted to do -- to have that tribal government pass that law, and then informed the Navajo people about what would happen.

PI: [63:58] He initially was very positive about DNA Legal Services, as I recall. I mean, over time there were some issues that developed and he became less supportive.

PZ: [64:08] Yeah. I believe that it was right at the beginning of DNA People's Legal Services program, where Ted Mitchell also became an advocate of Navajo water rights. Because what he saw and what he did was the DNA did research on Navajo water rights, going back all the way to a decision that was made by the United States Supreme Court and other subsequent court decisions, where the courts indicated that Indian tribes have the prior water rights --

PI: [64:57] Mm-hmm.

PZ: [64:58] Above everybody else. And Ted Mitchell was also an advocate of that. And so did the DNA People's Legal Services program. And so it was a very, very interesting time in the history of the Navajo people, to see all of these forces from all angles -- people that followed Raymond Nakai and what he was advocating, some Navajo

tribal officials following what Norman Littell was advocating for, and all of these things clashed.

And because of what was happening on the Navajo Nation, there were other people that also came to light. And one of them is the rise of Peter MacDonald. Because to begin with, Raymond Nakai was the one that brought in Peter MacDonald. Back to the Navajo Nation. Peter MacDonald was working for, I believe, an aircraft company as an engineer --

PI: [66:19] Hughes, I think. Hughes Aircraft Company.

PZ: [66:21] Yeah. In California.

PI: [66:23] Right. Southern California.

PZ: [66:24] And Raymond Nakai needed a lot of help in reorganizing the tribal government. And so he brought in Peter MacDonald to help him reorganize the whole Navajo government. Because at that time, the Navajo government was getting big. People demanding service -- people wanting to do things. And so the Navajo council also was frustrated with much of what was going on. And so Peter MacDonald came in with the urging of Raymond Nakai to come in and help him.

And so as a result of them doing all of that, you have a new era in the development of the tribal government that took place. I believe it was also right at this point where President John F. Kennedy got elected and then came out with the War on Poverty program. And then the War on Poverty program developed what they call the Office of Economic Opportunity, and that filtered all the way down to Navajo.

And the Navajo wanted to have -- the Navajo wanted to have its own OEO program. And when they did that and there was a question of who should run it. And then Raymond Nakai nominated Peter MacDonald to be the individual that would be responsible for running the Navajo Office of Economic Opportunity.

And so when that happened, many, many Navajo people became an employee of the ONEO program. Some of them were very, very popular, like the Head Start program. It meant jobs for Navajo people, and it was a program that employed individuals that were otherwise not able to find work on the Navajo. And then they were doing some good things, too. [69:00] Such as the community development program,

and the home improvement program -- people's homes were being renovated, and some were building new homes, new houses. And those became very, very popular with the Navajo people, because it was for the first time providing services to the local people. People were feeling the impacts of some of those services, and as a result, Peter MacDonald became very popular.

PI: [69:34] Mm-hmm.

PZ: [69:35] And so from that position he then ran for the tribal chairmanship against his old friend Raymond Nakai. And then I think they ran against each other about three times during the course of the next twelve, sixteen years. They dominated the political scene on the Navajo Nation.  
(pause)

PI: [70:06] You may want to pass on this question, or not answer it at any time, but I was curious about your initial impressions of Peter MacDonald. And you, with DNA initially under the umbrella of the ONEO, you must have had some meetings or contacts with him and got a sense to -- got a sort of initial impression of him.

PZ: [70:35] I guess the best way to describe that is that because of the programs that we were responsible for, with my helping the development of the DNA People's Legal

Services, and with Mr. MacDonald being the head of ONEO. Those jobs, things that the two programs were doing to force us to work together. Because the program demanded it. And my impression is that he was an able, capable person. And an individual that was looking out for the interests of the Navajo people back then. And he wanted to make sure that whatever it was that we would do was in the best interests of our individual clients. And he represented the Navajo Nation as its young-and-upcoming leader, and he was always interested in some of the things that DNA was doing in education, in economic development. And since he was the head of the economic development program and some of the legal issues that those programs and projects that we were to emphasize among the Navajo people.

So back then, he supported the Legal Services program. And we needed his support at the time because the Navajo Nation government was trying to cut us off.

PI: [72:53] Yeah, that's right.

PZ: [72:54] The Navajo Nation -- the Navajo tribal council, controlled by Raymond Nakai, was passing resolutions,



saying things about the Legal Services program, what we shouldn't be doing and why we shouldn't do certain things.

Well, Mr. MacDonald saw things a little differently than the way the tribal council did. And so he came to our defense, to save the program and the project. And that kind of forced us to work together as individuals representing those two important entities on the Navajo Nation.

PI: [73:36] You weren't entirely surprised that he decided to run for the chairman's position when he did?

PZ: [73:41] Say that again?

PI: [73:42] You weren't entirely surprised that he sought the chairmanship?

PZ: [73:47] I wasn't. I was not surprised. Because when you get into those kinds of positions, you know, the natural evolution is to go through that kind of process --

PI: [73:05] Yes. Yes.

PZ: [73:06] -- that will propel you to --

PI: [73:08] Right.

PZ: [73:09] -- the chairmanship of the Navajo Nation. And so that was something that I don't know if he did that by design -- one would say he probably did --

PI: [73:24] Mm-hmm.

PZ: [73:24] -- and I was not at all surprised that he became the tribal chair and sought the position very aggressively.

PI: [74:38] Yes. (pause) Well... His -- did I tell you the story about going back to Dartmouth to talk about -- sort of take a break for a second? I had been teaching at the University of Wyoming for a little while, and we have an endless summer and they have an endless winter. And this friend of mine at Dartmouth, he said, "Well, we have this big Navajo -- uh, Native American Studies program, and we want you to come out and talk about the first two terms of MacDonald's administration." So he says, "I know you're working on more general Navajo issues, but this is -- you know, we've got a number of Navajo students at Dartmouth and we have a number of Indian students -- they'd find this really interesting, for you to do that."

And I said, "Sure, I'll do that." I didn't even think about it very much. So he says, "Good. MacDonald is coming also to give the keynote address, and he's going to

comment on your talk. And you can talk for a half hour and then he'll talk for fifteen minutes and we'll have a half hour of questions."

Well, this is the kind of situation historians try not to get into. (laughter) But I went back there and gave my talk for 30 minutes, and he got up, and he said, well, he thought the... the things I had praised showed that I was a pretty perceptive guy on some topics, but the things I had criticized, he was just glad that he could be there to set the record straight and explain how I had not quite understood these properly. And he talked -- instead of 15 minutes, he talked for the remaining 45 minutes (laughter), and so we didn't have any questions at all.

PZ: [76:16] (laughter)

PI: [76:17] But the Navajo students were just delighted with all this, because, you know, they were interested in it. And Michael Dorris, the anthropologist and author, was Chair of the Native American Studies program at that time. I can still see his -- this big grin on his face, coming up to shake my hand after the talk. And it was funny, Pete, because before I went back east to give the talk, I started getting phone calls from people I had known when I was

teaching at the college. And the phone rings, and it's Ada Bluehouse (sp?) -- you know, she's working as his secretary --

PZ: [76:48] Yeah. Oh, yeah.

PI: [76:49] -- you know, and she says, "Well, we thought it might be helpful for you to have some more information about Mr. MacDonald's accomplishments." And then a day or two later I get a call. "Larry Russo! (sp?)" I say.  
(laughter)

PZ: [77:03] (laughter)

PI: [77:03] "I haven't heard from you in a long time. What's up?" And he says, "Well," he says, "We've looked over the initial version --" because they wanted to see my talk beforehand, you know. And I said, "Well, it's going to be a rough version." And he says, "Well, I think you could use a little more information," you know. And so they were just -- the phone kept ringing, I kept talking to these people.

And it was -- you know, I can look back on it and sort of smile about it, but at the time, you know, I thought, boy, this is really putting me to the test here in terms of what

I'm going to say." And I -- you know, when I look back on those first two terms, especially the first term --

PZ: [77:39] Mm-hmm.

PI: [77:40] -- you know, I was living on Navajo at that time, when MacDonald was first elected. And in a number of areas, you know, talking to other people and thinking about it, it seemed like he really was doing some good things. You know, that it was -- and he was the first person really to have had that. It was sort of a combination of life experiences and education and so forth and so on. So it was really important. But of course as time went on, then the picture got more complicated, for a variety of reasons. And we began assessing, you know, what was his fault or his responsibility, it became more difficult.

But, you know, even though Navajo is much bigger than all the other Indian nations, I think it still operates in many of the same ways. Which is to say that there are very strong feelings about the Chairman's positions, very strong feelings about what's going on at the chapter level, very strong feelings about what's going on in Window Rock. And it was a very complicated time. And it remains, I think, a fascinating time, to look back into the '70s and early

'80s. And then you entered the picture, and I think future historians will continue to see those times when you were Chairman and President as being really fundamentally important.

So I will assume that, looking back on it, you must, for the most part, feel very good about how you conducted yourself --

PZ: [79:32] Yeah.

PI: [79:32] -- and how you represented the Navajo Nation. But, you know... I think a lot of people feel that, you know, whether they supported MacDonald or supported you, they realize that you both were strong individuals who had strong feelings about the past, present, and future of Navajo Nation. And some people have said to me, "there has not been anybody who has stepped in with that degree of power and determination since then."

PZ: [80:10] Mm-hmm.

PI: [80:12] Do you miss any of that? That kind of...

PZ: [80:15] Do I miss...

PI: [80:16] Yeah, being -- I mean, it's not that you've totally left the scene, but you're not on the council floor every

day. Do you miss that kind of engagement, and fighting those issues?

PZ: [80:28] Well, you know, Peter, I -- I don't really miss all of that, but I miss the Navajo people.

PI: [80:35] Yes. Yes.

PZ: [80:36] There's a difference between the two.

PI: [80:36] Yes, yes. Yes.

PZ: [80:38] And I love my work -- I love what I do.

PI: [80:45] Mm-hmm.

PZ: [80:45] And it's just one of those things where I guess each individual has a certain chemistry about them, and when you get into something, you know that's what you want to do --

PI: [81:00] Yes.

PZ: [81:00] -- and that's what you enjoy doing, that's what you love to do. And for me, what I am involved in and what I do now at ASU, I am just cut out for --

PI: [81:15] Yeah. You're -- you've done a terrific job, in my opinion.

PZ: [81:18] And it agrees with me. I don't feel any pressure from anybody. I'm relaxed.

PI: [81:27] Yeah.

PZ: [81:27] And I really love my family. I enjoy being with my grandchildren. And it's just -- it's really good. It's just good for the spirit, good for my own personal emotions and satisfaction.

PI: [81:49] Mm-hmm.

PZ: [81:51] But being the Navajo leader, being in that saddle officially --

PI: [81:54] Yes.

PZ: [81:55] Being in the President or the Chairman's position... that was very stressful.

PI: [82:04] Oh, I would think so.

PZ: [82:05] Yeah, it was.

PI: [82:05] I would think so.

PZ: [82:06] Every day, every --

PI: [82:07] Yeah, yeah.

PZ: [82:07] Yeah.

PI: [82:09] You never knew what was going to come up. And I thought about you in conjunction with that Washington -- did you see that *Turquoise Rose* film?

PZ: [82:18] Oh, yeah. Yeah.



PI: [82:19] Did you see that? They showed it just last week. But it made me think about the things people, Navajo people tell me that they miss, you know, when they're down here.

PZ: [82:32] Yeah.

PI: [82:32] And one of them clearly was the way in which a family can work together. And I love this older woman who played the grandmother in this film, because, you know, you had this beautiful young Navajo woman who was out there living with her, and it starts raining, and you just see this little dog out in the rain, and she goes out and brings it in, and five seconds later the grandmother says, "Who brought that dog in the house?" (laughter)

And all those things. And it made me realize, you know, as an outsider, it made me understand again why people miss that country and those people and the way that family works and all the rest of it.

PZ: [83:15] Well -- can we look at the dates some more now?

PI: [83:22] Yes, we sure can.

PZ: [83:23] Let me tell you what my schedule is.

PI: [83:27] OK.

PZ: [83:29] Next week I'm going to be up on the Navajo.

PI: [83:33] OK.

PZ: [83:34] All week.

PI: [83:34] Mm-hmm.

PZ: [83:36] And then the following week on Wednesday, I'll be at NAU.

PI: [83:42] Mm-hmm.

PZ: [83:43] But I'll come back on Thursday and Friday. It will be the following week after that.

PI: [83:51] Mm-hmm.

PZ: [83:51] I think that's October...

PI: [83:57] Let's see.

PZ: [83:59] ...yeah -- let's see, third, that's -- fourth is Friday --

PI: [85:06] I think that's right.

PZ: [85:07] Saturday is five...

PI: [84:08] Yeah.

PZ: [84:09] The seventh? During the week of October seventh, do you want to have it on Wednesday again?

PI: [84:14] Yeah... let me -- I'll check my schedule, too, but I think that would be fine.

PZ: [84:17] Yeah.

PI: [84:17] And I'm going to be gone, as it happens --

PZ: [84:19] Yeah.

PI: [84:19] -- that... some of that time too. But I would --  
so this would be --

PZ: [84:26] October seventh.

PI: [84:28] Yeah, that week. I will double-check and get right  
back to you. But I think that is good. I think that -- I  
think that would work.

PZ: [84:32] Ten -- ten to twelve.

PI: [84:33] And I know you --

PZ: [84:34] Where did you -- now, where did you get this?

PI: [84:38] I bought it somewhere. I wanted to show it to you.  
You probably haven't seen a copy of this in a while.

PZ: [84:42] (laughter) I remember this.

PI: [84:44] I know, that's what --

PZ: [84:45] I was executive director.

PI: [84:46] Yeah. If you want to borrow it, and give it --  
maybe Jenny could copy it or something, and you could give  
it back to me, but it's -- it's really interesting to, you  
know, look at. It's like, this I picked up -- you know,  
you were talking about the... trying to... you know, this

is through REMA (sp?), about how they were trying to educate the students about how the law works.

PZ: [85:08] Mm-hmm. Good.

PI: [85:09] Yeah, so I think these kinds of documents are really important. (pause)

PZ: [85:22] Oh, this is great.

PI: [85:26] I was thinking that was one thing maybe you could -  
-

PZ: [85:29] Let's have a -- let me talk about this.

PI: [85:31] Yeah, that's what I was going to say.

PZ: [85:33] Yeah.

PI: [85:33] Yeah, and that way you can -- yeah, I think -- because I think that was important. I mean, it obviously was important. And I think that would be good if you could talk to that.

PZ: [85:46] (pause) Yeah. Let me... let me -- maybe this will be our next session.

PI: [85:49] Yeah, why not?

PZ: [85:50] OK.

PI: [85:51] That sounds good. (pause) I'm trying hard not to interrupt you, and I hope I'm doing OK with that. (pause)

PZ: [86:08] Dan Vicente. He's --

PI: [86:09] Yeah.

PZ: [86:09] He's still there.

PI: [86:11] Uh-huh. (long pause)

PZ: [87:12] Good. (pause) Lorene Bennett -- she's now... a member of the Supreme Court.

PI: [87:21] Really?

PZ: [87:21] Of the Navajo. Yeah.

PI: [87:23] Uh-huh.

PZ: [87:23] I remember when she filed this case --

PI: [87:24] Uh-huh.

PZ: [87:25] She was just a college student.

PI: [87:28] Yeah. (pause)

PZ: [87:40] Good, OK.

PI: [87:41] Yeah.

PZ: [87:41] Why don't we do that.

PI: [87:42] OK.

PZ: [87:42] I want to go over, and this morning, at 9:30, I helped Labriola (sp?) --

PI: [87:50] Oh, yeah.

PZ: [87:51] They wanted me to do kind of like an ad about --

PI: [87:57] Right.

PZ: [87:57] About promoting their center.

PI: [87:59] Right. A promotion.

PZ: [88:00] So I came over at 9, and so we did that. And now I... the people from construction in Indian country wants me to do an ad on KTNN.

PI: [88:15] OK.

PZ: [88:16] So I have to --

PI: [88:17] Sure. No, you --

PZ: [88:17] -- walk over to the studio.

PI: [88:19] That's fine.

PZ: [88:21] And thank you so much for the -- for the money that you donated.

PI: [88:25] Oh, you're welcome.

PZ: [88:27] The first kid arrives today at two.

PI: [88:29] Wow.

PZ: [88:30] Today at 2:00 he's coming over with his father. So we're going to -- I'm going to organize the students --

PI: [88:37] That's great. That's wonderful.

PZ: [88:37] -- and we'll welcome him.

PI: [88:39] That's wonderful.

PZ: [88:39] We'll welcome them.

PI: [88:40] Good for you.

PZ: [88:41] He must have been -- this guy that's coming, his name is Jordan Begue (sp?). He must have been the boyfriend --

PI: [88:50] Oh.

PZ: [88:50] -- to the lady that got killed. Because he says, "I can't go to school down there --"

PI: [88:59] Yes...

PZ: [88:95] "I can't continue to come down the elevator and know that that was her room, and..."

PI: [89:07] Yeah. Oh, God.

PZ: [89:08] He says, "I just want to transfer out of here." So he's the first kid --

PI: [89:13] Yeah.

PZ: [89:15] -- that's coming today.

PI: [89:16] OK. Well, I wish you well with it.

PZ: [89:18] I appreciate it.

PI: [89:19] Of course.

PZ: [89:21] Yeah. And then the other kids will probably follow.

PI: [89:24] Mm-hmm.

PZ: [89:25] And I'm going to go down and pick up all of their belongings --

PI: [89:30] Mm-hmm.

PZ: [89:30] -- because the others don't -- they all don't have cars. Transportation.

PI: [89:33] No. Right. Boy.

PZ: [89:38] Awful.

PI: [89:39] Yeah.

PZ: [89:39] OK, Peter.

PI: [89:40] OK. Thank you.

PZ: [89:44] Just call if you have anything --

PI: [89:46] I will.

PZ: [89:47] I'm going to keep Wednesday of that week --

PI: [89:51] Right.

PZ: [89:52] I think it's the second week in -- the second week in October.

PI: [89:57] Right. That sounds --

PZ: [89:59] This thing is still on.

PI: [90:00] Yeah, we need to... I want to make sure I turn it off, or you turn it off, or whatever.



PZ: [90:07] I think it's right here.

PI: [90:09] Yeah, OK.

PZ: [90:13] Or maybe...

PI: [90:18] Let's see. That's it. I'm not sure if we -- what do you think? This says stop, but then --

PZ: [90:37] Yeah. OK.

**End - ZahPeterson 2007-09-19**