

The Seeds & Strategy of Learning to be a Lawyer

My fingers are coated with sap as I peel back the corners of a pinecone, revealing the trove of small brown nuts that promise a savory and prized roasted snack. It is harvest season in Piñon, a small town on the Navajo Nation named for the warped but resilient pine trees under which we are crouched. Marshall Johnson is searching for nuts alongside me; he grew up on the reservation and shows me how soft red sand works like flour to neutralize the stickiness. As I move my hands through the dirt, he teaches me the Navajo words for 'My Mother, Earth.' "It's good you learn this now," Marshall says with a chuckle. "That's what you'll be saving."

I traveled with my co-student attorneys, Shannon Hughes and Mallory Kindsfather, our clinical professor, Brad Bartlett, and Environmental Law Clinic Fellow, Tim Estep, to northeastern Arizona during the second week of September. As students in the Environmental Law Clinic, we were there to meet our clients. Between the harvest and strategy meetings, we spent time over meals learning about the challenges and goals of their organizations. Nicole Horseherder and Marshall Johnson of To' Nizhoni Ani ("Beautiful Water Speaking") and Jihan Gearon of the Black Mesa Water Coalition are residents and activists working for environmental justice and a "just transition" to clean energy on the Navajo Nation. These community-based groups seek to educate and empower the Diné (what the Navajo people call themselves) to advocate for the air, water, and land that is sacred and necessary to the wellbeing of their communities. We are helping TNA and the BMWC



One of the clinic's clients, Marshall Johnson, overlooking the conveyor belt carrying coal from Black Mesa to the train bound for the Navajo Generating Station.

in the fight surrounding the Navajo Generating Station. As the largest and dirtiest coal plant in the United States, NGS takes coal from the sacred Black Mesa—considered the female deity of the Navajo Nation—and burns it to provide power to customers in Arizona, Nevada and California. The power plant causes respiratory disease on the reservation while most Diné live without running water or electricity.

The case we are working on is about government accountability. Learning from Nicole, Marshall and Jihan, I quickly realized that although it is a distinct and sovereign entity, the Navajo Nation's government is modeled after the federal government of the United States and is thus woven with similar possibili-

ties and limitations. Just as the federal government does not always represent the interests of the states or individual citizens, neither has the Navajo Nation nor the U.S. EPA been helpful in furthering our clients' vision for a sustainable economy. We are pursuing every avenue to support these grassroots tribal organizations in holding both governments accountable.

Between the sap of piñon harvest season, the pollution from NGS, and the end-

lessly technical provisions of the Clean Air Act sits To' Nizhoni Ani, the Black Mesa Water Coalition, and the communities they represent. Our journey to the high desert underscored the appreciation for place and people that is so central to effective and responsible environmental advocacy. Through the Environmental Law Clinic, we are learning and practicing environmental justice litigation – a labor that is as messy as it is fertile for long-awaited change.

–Ashley Basta, 3L