

NATALIE A. LANDRETH

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Native American Rights Fund

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REPRESENTATIVE LITIGATION

State of Alaska et al v. Arctic Village Council et al, Case no. S-17902 (Alaska Supreme Ct. October 2020). Counsel for Tribe challenging the constitutionality of witness signature requirement on absentee ballots during the pandemic. Won decision in Tribe's favor that witness requirement could not be implemented in 2020 general election.

Confederated Tribes of the Chehalis Reservation et al v. Mnuchin et al, Consolidated cases 20-2054, 20-5205, 20-5209 (D.C. Cir. 2020). Counsel for Rosebud Sioux Tribe, Arctic Village, Venetie, and Nondalton challenging the Secretary of the Treasury's decision to include for-profit corporations in the definition of "Indian Tribe" for purposes of distribution of CARES Act funds. Prevailed at District Court and Court of Appeal, petition for *certiorari* pending.

Western Native Voice et al v. Stapleton, Case no. DV-56-2020-377-DK (Montana District Ct. 2020). Counsel for five Tribes challenging constitutionality of the Ballot Interference Prevention Act (BIPA), which prevents organizations and others from collecting voted ballots and delivering them to the election office or mailbox. Prevailed at trial court and Montana court struck down prohibition on ballot collection.

Hopi Tribe et al v. Trump, Case no. 17-cv-2590 (D.C. District Ct. 2017). Counsel for three of five Tribes challenging the President's revocation of the Bears Ears National Monument Proclamation under the Antiquities Act. Pending.

Rosebud Sioux et al v. Trump, Case no. 4:18-cv-118 (D. Mont. 2017). Counsel for Rosebud Sioux and Fort Belknap Indian Community alleging treaty and environmental law violations in the planning and permitting of the Keystone XL Pipeline. Pending.

United Keetoowah Band et al v. FCC, Case no. 18-1129 (D.C. Cir. 2018). Counsel for Blackfeet Petitioners (eight Tribes and United Southern and Eastern Tribes) challenging the an order exempting small cell phone tower construction (the 5G network) from review under the National Historic Preservation Act. Won decision in Tribes' favor.

Center for Biological Diversity et al v. United States Army Corps of Engineers, Case no. 2:14-cv-01667-PSF-CW (9th Cir. 2015). Counsel for Santa Ynez Band of Chumash Indians challenging the Defendant's failure to consult with the Tribe under the National Historic Preservation Act in issuing a Section 404 permit for a large scale development. Argued in the

Ninth Circuit Court of Appeals, case then settled.

Toyukak et al v. Mallott, Case no. 3:13-cv-00137(SLG) (D. Alaska 2015). Counsel for two individual voters and four tribes alleging violations of Section 203 of the Voting Rights Act and the 14th and 15th Amendments of the Constitution, for failure to translate voting materials for limited English proficient, Native language speakers. After a full two-week trial on the merits, in September 2014 the District Court found in favor of the plaintiffs and issued a broad remedial order. Judgment and Order available at 2015 WL 11120474. Court oversight ongoing.

Simmonds v. Parks, 329 P.3d 995 (Alaska Supreme Court 2014). Counsel for parents who adopted child through tribal court and counsel for Tribe to enforce Tribe's ability to terminate parental rights in tribal court. Defendant challenged the due process provided by tribal courts, but the Supreme Court held in favor of plaintiffs and established a tribal court exhaustion rule in Alaska.

Nulato v. State, Case no. 4-FA-13-02478CI (Alaska Superior Court 2014). Counsel for Tribe in upholding termination of parental rights. Court dismissed case against Tribe based on litigant's failure to exhaust tribal court remedies and failure to prove due process violation in tribal court.

Shelby County v. Holder, No. 12-96 (U.S. Feb. 1, 2013). Counsel of record for *amici curiae* Alaska Federation of Natives, Alaska Native voters, and Tribes. Submitted brief in support of Respondents defending the coverage formula under Section 4(b) of the Voting Rights Act. Brief available at 2013 WL 476708.

State of Alaska v. Holder, Case No. 1:12-cv-001376-RLW (D.D.C. 2012): Applicant for intervention on behalf of Emmonak Tribal Council, Levelock Village Council, Togiak Traditional Council, Willie Kasayulie, Anna Nick, Vicki Otte, and Mike Williams. Intervention in support of Respondent defending the coverage formula under Section 4(b) of the Voting Rights Act. Case stayed and then mooted as a result of *Shelby County*.

Native Village of Eyak et al. v. Blank, 688 F.3d 619 (9th Cir. 2012) (*en banc*). Counsel for five plaintiff Tribes in action to assert aboriginal hunting and fishing rights in federal waters in the Gulf of Alaska. Argued the case before *en banc* panel in September 2011.

Samuelson v. Treadwell, 2012 WL 2236637 (D. Alaska 2012). Counsel for four individual voters seeking declaratory and injunctive relief to enforce Section 5 of the Voting Rights Act. Case dismissed as moot after preclearance granted.

In re 2011 Redistricting Cases, 294 P.3d 1032 (Alaska 2012), Case no. S-14721. Represented *amicus curiae* Bristol Bay Native Corporation in advocating for redistricting plan. Brief available at 2012 WL 2403613.

McCrary v. Ivanoff Bay Village, 265 P.3d 337 (Alaska 2011). Counsel for Tribe in successfully upholding assertion of sovereign immunity in response to claim arising out of development contracts.

Nick et al. v. Bethel, Case No. 3:07-cv-00098 (TMB) (D. Alaska 2010). Counsel for limited-English proficient Yup'ik-speaking voters to enforce Sections 203 and 208 of the Voting Rights Act. Secured a preliminary injunction ordering the State to provide sample ballots and other election materials in the Yup'ik language for Alaska Native voters. Settled and court issued final order on February 16, 2010 retaining jurisdiction and ordering State to adopt enhancements to make voting more accessible to Native language speakers.

Northwest Austin Municipal Utility District Number One v. Holder, No. 08-322 (U.S. Mar. 25, 2009): Counsel of record for *amici curiae* brief of Alaska Native voters. Submitted brief in support of Respondents defending the coverage formula under Section 4(b) of the Voting Rights Act. Brief available at 2009 WL 815235.

Kaltag Tribal Council et al. v. Jackson, 344 Fed. Appx. 324, (9th Circuit Aug. 28, 2009). Counsel for Tribe and adoptive Alaska Native parents in action to enforce the “full faith and credit” guarantee of the Indian Child Welfare Act (ICWA). Argued in the Ninth Circuit, which affirmed the order of the District Court. *Certiorari* denied in 2010.

Native Village of Eyak et al v. Gutierrez, Case No. A98-365 CV (HRH) (D. Alaska 2009) (on remand from Ninth Circuit). Counsel for five plaintiff Tribes in action to assert aboriginal hunting and fishing rights in the Gulf of Alaska. Oversaw two-week federal trial with approximately 20 witnesses.

Kaltag Tribal Council et al. v. Jackson, Case no. 3:06-cv-211 (TMB) (D. Alaska 2008), available at 2008 WL 9434481. Counsel for Tribe and adoptive Native parents in action to enforce the “full faith and credit” guarantee of the Indian Child Welfare Act (ICWA). Secured an order directing the State Bureau of Vital Statistics to issue birth certificates to children adopted through tribal courts.

AI-TC et al. v. State of Alaska, 110 P.3d 947 (Alaska 2005). Counsel to plaintiffs in action challenging the failure to provide equal protection in the provision of police services in rural Alaska.

Native Village of Eyak et al. v. Blank, 375 F.3d 1218 (9th Cir. 2004) (*en banc*). Counsel for five plaintiff Tribes in action to assert aboriginal hunting and fishing rights in federal waters in the Gulf of Alaska. Secured remand to the District Court.

REPRESENTATIVE NON-LITIGATION MATTERS

Founded and lead the Native American Voting Rights Coalition in 2015, information available at <https://www.narf.org/cases/voting-rights/> and www.vote.narf.org. This is a nationwide Coalition of advocates, lawyers, academics and tribal representatives that addresses Indian voting issues nationwide.

Represent the Bering Sea Elders Group in advocating for protection of their traditional use area from fishing and shipping-related threats in federal waters. Succeeded in helping establish the Northern Bering Sea Climate Resilience Area by Executive Order of President Obama on

December 9, 2016. <https://obamawhitehouse.archives.gov/the-press-office/2016/12/09/executive-order-northern-bering-sea-climate-resilience>

EMPLOYMENT

Senior Staff Attorney
Member, Litigation Management Committee (2005-2020)
Native American Rights Fund, Anchorage, Alaska
July 2003 – present

Litigation Associate
Irell & Manella LLP, Los Angeles, California
September 2002 – July 2003

Law Clerk to the Honorable Dana Fabe, Chief Justice
Alaska Supreme Court, Anchorage, Alaska
September 2001 – September 2002

Law Clerk to the Honorable Robert Yazzie, Chief Justice
Supreme Court of the Navajo Nation, Window Rock, Arizona
January 2001 – April 2001 (while in law school)

EDUCATION

Harvard Law School
Cambridge, Massachusetts
Juris Doctor (b) (6)

Third Place Brief, National Native American Law Students Association Moot Court
Vice President, Native American Law Students Association
Senior Editor and Note Contributor, Harvard Environmental Law Review
Student Attorney, Harvard Defenders
Board of Directors, Student Activities Committee

Harvard University
Cambridge, Massachusetts
Bachelor of Arts, magna cum laude, (b) (6)

Awarded *summa cum laude* on senior thesis
Radcliffe Fellowship
Phi Beta Kappa award recipient
Harvard College Scholar (awarded for high grade point average)
Vice President, Speech and Parliamentary Debate Society
Repatriation Committee, Native Americans at Harvard-Radcliffe

PUBLICATIONS

James T. Tucker, Natalie A. Landreth, & Erin Dougherty Lynch, “*Why Should I Go Vote Without Understanding What I Am Going to Vote For?*” *The Impact of First Generation Voting Barriers on Alaska Natives*, 22 MICH. J. RACE & L. 327 (2017).

The Use of the Alaska Native Claims Settlement Act to Justify Disparate Treatment of Alaska’s Tribes, by Natalie Landreth and Erin Dougherty, 36 AM. INDIAN L. REV. 321 (2011 – 2012)

Voting Rights in Alaska: 1982-2006, by Natalie Landreth and Moira Smith
17 SO. CAL. REV. OF LAW AND SOC. JUSTICE 79 (Fall 2007)

LEGISLATIVE MATTERS

Testified before the United States House of Representatives, Committee on the Judiciary, Hearing on HR 4, “Evidence of Current and Ongoing Voting Discrimination ,” September 10, 2019.

Testified before the United States Senate, Committee on the Judiciary, Hearing on the Reauthorization of the Voting Rights Act: “Modern Enforcement of the Voting Rights Act,” May 10, 2006.

COMMITTEE POSITIONS

- Chair, United States Civil Rights Commission, Alaska State Advisory Committee (2017-present)
- Member, Alaska Court System, Court Improvement Project, Chair of Indian Child Welfare Act (ICWA) Subcommittee (2015 – 2017)
- Member, Alaska Court System, Committee on Fairness, Diversity and Equality (2009 – present)
- Member, Alaska Court System, Child in Need of Aid (CINA) Court Rules Committee (2007 – 2017)
- Member, Executive Committee, Alaska Native Law Section, Alaska Bar Association (2010 – 2016)
- Member, Alaska Bar Association Ethics Committee (2013 – 2019)
- Co-chair, Federal Bar Association, Annual Indian Law Conference (2008 and 2014)
- Chair, Native Law Section, Alaska Bar Association (2004 – 2007)

BAR ADMISSIONS

United States Supreme Court (2013)

United States Court of Appeals for the Ninth Circuit (2004)

United States District Court for the District of Alaska (2004)

Alaska Bar Association (2004)

United States District Court for the Central District of California (2001)

California Bar Association (2001)

TRIBAL AFFILIATION

Enrolled member of the Chickasaw Nation of Oklahoma (Imatobby family)