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UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION, et al.,

PLAINTIFFS,

v.

STEVEN MNUCHIN, SECRETARY, UNITED STATES DEPARTMENT OF THE TREASURY,

DEFENDANT.

Case No. 1:20-cv-1002 (APM)

CONSENTED MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*

The Alaska Native Village Corporation Association ("ANVCA") and ANCSA Regional Association ("ARA"), collectively *Amici Curiae*, by and through counsel, hereby respectfully submit this Motion for Leave to file its Brief of *Amici Curiae* in accordance with Local Civil Rule 7(o)(2), which states, in part:

> A motion for leave to file an amicus brief shall concisely state the nature of the movant's interest; identify the party or parties supported, if any; and set forth the reasons why an amicus brief is desirable, why the movant's position is not adequately represented by a party, and why the matters asserted are relevant to the disposition of the case. The motion shall state the position of each party as to the filing of such a brief and be accompanied by a proposed order.

A proposed order regarding this motion is filed herewith. Counsel for *Amici Curiae* requested permission from the plaintiffs and the Department of Justice and such permission was granted.

Interests of *Amici Curiae*

ANVCA and ARA are organizations that represent, protect, and advocate for Alaska Native interests. These organizations represent Alaska Native people through the Congressional mandates of the Alaska Native Claim Settlement Act ("ANCSA") through Alaska Native Corporations ("ANCs").

ANVCA is a non-profit corporation formed in 2010 that has no parent corporation and issues no stock. Its mission is to promote the success of Alaska Native village corporations and protection of Alaska Native lands. ANVCA represents the 177 Alaska Native village corporations that were formed under the Alaska Native Claims Settlement Act (ANCSA), 43 U.S.C. § 1601 *et seq.* The purpose of which ANVCA was formed is to provide services that will improve success, efficiency, profitability and stability to its member corporations; advocate for policies that will benefit and protect the interest of Alaska Native Village Corporations with local, state and federal governments; provide an officially recognized voice for the interests of Alaska Native Village Corporations; provide a network of mutual support and technical assistance that will enhance the success of all Alaska Native Village Corporations and their shareholders; encourage a mutually respectful and cooperative relationship with Alaska Native Regional Corporations, tribal entities and other businesses for the overall benefit of Native peoples; and promote a positive image of our corporations with our shareholders, Native children and the general public.

ARA is a non-profit association that has no parent corporation, issues no stock, and no publicly held corporation owns more than 10 percent of its stock. Their mission is to promote

and foster continued growth and economic strength of the Alaska Native Regional Corporations on behalf of their Alaska Native shareholders. The member corporations are owned by over 130,000 Alaska Native people and were formed under the Alaska Native Claims Settlement Act (ANCSA), 43 U.S.C. § 1601 *et seq*.

ANVCA and ARA are familiar with the treaty, jurisprudence, and legislative impacts made upon them and their member groups throughout history, including the time before ANCSA. They are the parties who will be directly and negatively affected if this Court rules in favor of Plaintiffs.

Amici Submits its Brief Independently.

Due to the expedited briefing schedule and anticipated filings yet to be reviewed, *Amici* submits its brief independently.

Amici Have Valuable Knowledge Regarding Unique Issues Related to ANCs and Federal Legislation.

An amicus brief should normally be allowed when the amicus has unique information or perspective that can help the Court beyond the help that the lawyers for the parties are able to provide.[1] In this case, *Amici* can provide valuable knowledge on the history, legislative intent, and unique Federal status of ANCSA and ANCs that will likely not be adequately briefed by the parties. In this way, *Amici* may provide unique perspective on the rights of the Alaska Native peoples through the Federal formation of ANCs through ANCSA.

This unique understanding of the Indian law as it applies to the indigenous Alaska Native people, ANCSA, and ANCs, is lacking and being directly attacked by plaintiffs in this case.

[1] *See, Jin v. Ministry of State Security*, 557 F. Supp. 2d 131, 137 (D.C.C. 2008).

Such misunderstandings of the interwoven fabric of how Alaska tribes and ANCs work together is evident through the late filed but voluminous pleadings filed by plaintiffs.

Accordingly, *Amici* respectfully request leave to file its brief for the benefit of the Court in making its decision.

Conclusion

It would benefit the Court to hear the perspective of ANCs, who not only have valuable knowledge to share with the Court, but are also the parties that suffer irreparable harm if the plaintiffs prevail.

For the reasons stated above, and because the parties do not object to the filing of an amici curiae brief, the undersigned respectfully requests leave to file its Brief of *Amici Curiae*.

Dated this 22nd day of April, 2020.

/s/ Christine V. Williams
Alaska Bar No. 0204007

/s/ J. Harrison Powell, II
Virginia Bar No. 86308

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[2] Under the advice by the US District Court Clerk on April 22, 2020, a sponsoring *pro hac vice* attorney is not required to appear in the instant case. However, in an abundance of caution, the Sponsoring Attorney is named here on behalf of the pending *pro hac vice* applicants.

CERTIFICATE REQUIRED BY LCvR 26.1 OF THE LOCAL RULES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

I, the undersigned counsel for the organizations listed above, certify that to the best of my knowledge and belief, the organizations do not have any outstanding securities in the hands of the public.

Dated this 22nd day of April, 2020.

/s/ Christine V. Williams
Alaska Bar No. 0204007

CERTIFICATE OF SERVICE

The undersigned certifies that on the 22nd day of April 2020, a true and correct copy of the **Consented Motion for Leave to File Brief of *Amici Curiae*, proposed Order, and Brief of *Amicus Curiae*** was served by email and that this was filed with CM/ECF to also serve parties on the record. The courtesy service by email is for the following, who were also served with a courtesy Notice of Intent to File:

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By: /s/ Christine V. Williams
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