



# PROTECT the PUBLIC'S TRUST

VIA ELECTRONIC MAIL

November 9, 2021

Robert Anderson  
Office of the Solicitor  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Mr. Anderson,

As the chief legal officer at the Department of the Interior (Department or DOI), you are responsible for ensuring appropriate oversight and management of the Department's Ethics Office and political appointees within the Office of the Solicitor. You also are charged with monitoring the compliance of Department employees when carrying out their statutory duties, including Tribal consultations. Based on your short time in this role and the multiple alleged violations by senior political appointees that have been reported, the public has cause for concern. Together, these separate instances of potential misconduct raise questions about your supervision and commitment to fostering a culture of compliance within the Office of the Solicitor and among the Department's senior leadership.

Prior to joining the Department, your career has been remarkable in its devotion to the Tribal community and organizations dedicated to representing or advocating for Tribal issues. In fact, according to an online biography, you were one of the two founding members of the Alaska office for Native American Rights Foundation's (NARF) and spent 12 years at the organization representing Tribal clients. You have spent several years in the government, many at the Department of the Interior and at the National Commission on Indian Trust Administration. With such a background you undoubtedly have a thorough understanding of Indian law, the Department's legal obligations to Tribes, and the various restrictions around political appointees' engagement on such issues.

Balancing your experience and expertise with obligations to compliance and preserving the public's trust is a commitment made of every Senate-confirmed presidential appointee. In your case, prudence would dictate a heightened sensitivity when former clients and employers of yourself and your Deputy Solicitors are involved. Your office's impartiality in Tribal and water matters is critical to fulfilling your Constitutional, ethical, and bar duties. Yet this important principle seems to be taking a backseat to advancing the Administration's policy agenda.

We are aware of multiple instances in which political appointees under your supervision may have violated their ethics obligations and undermined the public's perception of your office's impartiality in Tribal matters.



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PPT first became notified of potential misconduct under your watch when it was revealed that your Deputy Solicitor for Water Resources, Daniel Cordalis, was working on a high-profile water issue that effectively overruled an opinion issued by multiple senior career water attorneys at the Department. Putting aside your decision to overrule senior career attorneys, the ethically concerning fact involved Mr. Cordalis's participation in the matter. His action appears to provide direct and predictable financial benefits to a former client. Even worse, his spouse is currently the former client's General Counsel and has been described as the "future of the Tribe," implicating a more substantial financial gain connected to the legal opinion issued by Mr. Cordalis. We filed a complaint with the DOI Inspector General (IG) in July based on the available facts and believe Mr. Cordalis may currently be under investigation for his actions.<sup>1</sup>

The second instance was revealed recently during the confirmation hearing of Laura Daniel-Davis. The following exchange occurred between Senator Lisa Murkowski and Ms. Daniel-Davis<sup>2</sup>:

Sen. Murkowski:

During our meeting, a couple of months ago now, I raised my frustration, and I think you sense not only frustration but real anger about some of the reports that I had received regarding virtual consultations held by BLM with some of our native tribes and corporations to discuss the potential revocations or modifications of our public land orders. I raise these concerns about these tribal consultations because we have learned that **there were uninvited environmental organizations that were listening in on these consultations, including a former employer of one of the [ ] political officials that was leading the consultation. You indicated that you agreed that this was absolutely inappropriate**, you would find out what was going on, you would report back to us. So this is now your opportunity to report back to us. What did you do when you got back to the Department and raised this? And how can you assure me that really we're...you are going to take tribal consultation as seriously as it needs to be if you're confirmed?

Laura Daniel-Davis:

Thank you, senator, and I appreciated you raising that issue to me because **as I said to you at the time and I will reiterate here, it is inconsistent with appropriate formal consultation practice to have anyone other than tribal leaders or tribal members that the leader has asked to appear**. Or, as you know, sometimes a consultant or a lawyer may appear but again as asked to by the tribal leaders. So, I did go back, and ask, and

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<sup>1</sup> <https://www.protectpublictrust.org/wp-content/uploads/2021/07/Cordalis-Complaint.pdf>

<sup>2</sup> <https://www.energy.senate.gov/hearings/2021/9/full-committee-hearing-to-consider-pending-nominations>



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understood that it may have been that the folks managing the consultation weren't aware... in a timely manner of **unauthorized people on the phone**.

Sen. Murkowski:  
Do you find that acceptable?

Laura Daniel-Davis:  
I don't. And what we did as we have reminded everyone of the ground rules for formal consultation and we have also reminded people that **it is sort of imperative to police such things**. And that they have the ability and should exercise it to... Dump people off the call. I guess I will say it that way. And **we have had to, you know, talk about this across the Department** because, as you know, every program is engaging in formal tribal consultation. So, I appreciate again you bringing it to our attention. It's allowed us, in this remote environment, to make what we think and hope are improvements to the consultation process. We do take it very seriously.

Sen. Murkowski:  
Well, you should take it seriously. I found it shocking. Just really shocking and disturbing. And **it just sends a message, unfortunately, that the consultation is not being handled in a manner that most of us would expect**. Mr. Chairman I have several more questions. My time has expired so I will submit these for the record.

I am sure you agree that the inappropriate conduct acknowledged by Ms. Daniel-Davis should never have occurred. Tribal consultations are important opportunities for a government-to-government conversation to take place in a forum untainted by special interests and "uninvited guests." In fact, it is your office's legal duty to ensure that formal consultations like the one discussed are conducted appropriately. Indeed, your extensive experience with Tribal consultations, along with several of your Deputy Solicitors, should be a sufficient safeguard against such violation.

In her testimony, Ms. Daniel-Davis indicated that internal discussions have occurred across the Department to rectify and prevent future procedural abuses from occurring. The public is right to wonder what your role has been in addressing this inappropriate intrusion into official government business – both to understand the source of the invitation and any corrective action that imposes accountability on those responsible. Absent firm and transparent action by the Department's Chief Legal Officer, Congress and the public are left with the impression that empty promises during a Congressional hearing are the only consequence.



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The need for transparency and accountability may require additional investigation based on internal DOI documents that PPT has obtained. The documents show one of the “uninvited guests” participating in the Tribal consultation was NARF. As you are aware, this organization is both a previous employer of yours and the former employer of Deputy Solicitor for Land Resources, Natalie Landreth. Further, the documents show that Ms. Landreth was one of the senior officials participating in the consultation on behalf of DOI. (Attachment A)

The optics alone raise questions about whether appointees are communicating with NARF, and other former employers or clients, in violation of their ethics agreements. The meeting script for the consultation further indicates that Nada Culver was one of the senior officials leading the meeting for the Department despite the ongoing investigation by the IG into her participation in a decision regarding the precise Public Land Order at issue during the consultation<sup>3</sup>. Is it a standard practice that investigated officials continue to work on matters under investigation until cleared? Have you endorsed or weighed in on this position?

Today, we have filed a Freedom of Information Act request to better understand how these potential violations occurred and attempt to bring transparency to this apparent pattern of misconduct and abdication of supervision. Until we know more, the public will be left wondering what assurance the Department can provide that its Chief Legal Officer is properly upholding the law, supervising direct reports, and ensuring impartiality in Tribal matters.

This is a challenging time to run the government. The Department of the Interior has several important statutory mandates to protect and responsibly steward the country’s natural resources as well as maintain its sacred Trust obligations. At a time when the public’s trust in their government is at an all-time low, it is imperative that they know leaders such as yourself and your subordinates are acting ethically and lawfully in the execution of their duties. We look forward to receiving documents requested in order to ensure the public that transparency and integrity in government remain more than just an empty promise in a public hearing.

Sincerely,

Michael Chamberlain  
Director

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<sup>3</sup> <https://www.eenews.net/articles/ig-investigating-complaint-against-top-blm-official/>





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Meeting View Main

Welcome to Meeting View

Participants Question & Answers Polling

Mute All Unmute All Drop Edit  Show Disconnected Participants Search:

Name	Phone	Field1	Field2	Field3	Field4	Status
Brian James	9074434324	Kawerak Incorporated	9074434324			MUTE
Stephanie Thompson	9072420263	AK Native Village	9072420263			MUTE
Tony Weyliouanna	9074434327	Kawerak Land Management	9074434327			MUTE
Paul Krabacher	9706404328	BLM	9072715681			MUTE
Shirley Fields	9076622581	Native Village	9076622581			MUTE
Dana Wamke	9074434333	Land Management Services	9074434333			MUTE
Teresa Imm	9075195057	Native Village of Kaktovik	9075195057			MUTE
Jonana Orloff	9074866357	Native Village of Afognak	9074866357			MUTE
Robert Settler	9074528251	Tanana Chief Conference	9074528251			MUTE
Suzanne Little	9072452400	Bering Sea & Interior Travel Commission	9072452400			MUTE
Matthew Rexford	9076401517	Native Village of Kaktovik	9076401517			MUTE
Jen Leahy	9074227635	Theodore Roosevelt Conservation Partnership	9074227635			MUTE
Megan Condon	3032467023	Native American Rights Fund	3032467023			MUTE

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