

## Resolution

by \_\_\_\_\_  
(In Support of Alexander Creek Village)

WHEREAS, the Alexander Creek village site has been occupied by Alaska Natives continuously from time immemorial, except for a brief period when it was decimated by White Man's diseases in the early part of the last century; and

WHEREAS, Congress enacted the Alaska Native Claims Settlement Act on December 18, 1971 "because of an immediate need for a fair and just settlement of all [Native Land Claims] based on aboriginal land claims;" and

WHEREAS, Congress therein declared "the settlement should be accomplished rapidly . . . with maximum participation by Natives in decisions affecting their rights and property," and

WHEREAS, on December 21, 1973, the Bureau of Indian Affairs determined that 37 Alaska Natives were properly enrolled to Alexander Creek, which is 12 more than was required, and certified Alexander Creek an eligible village under the Alaska Native Claims Settlement Act; and

WHEREAS, in April of 1974, the State of Alaska, the Matanuska-Susitna Borough, the Alaska Chapter of the Sierra Club, Alaska Wildlife Federation and Sportsmen's Council, Inc., and Phil R. Holdsworth protested such determination; and

WHEREAS, on November 1, 1974, the Alaska Native Claims Appeals Board (ANCAB), which had been delegated the Secretary of the Interior's obligation to make decisions regarding such protests, ruled Alexander Creek was not an eligible village based on a secret recommendation of an Administrative Law Judge (ALJ) that Alexander Creek had only 22 Natives properly enrolled to the Village, 3 short of the 25 required; and

WHEREAS, the ALJ's secret recommendation cited the failure of a number of Alexander Creek villagers to testify in person as a reason why he believed they were not properly enrolled to Alexander Creek; and

WHEREAS, because the ALJ's recommendation was secret until ANCAB issued its decision, Alexander Creek had no opportunity before ANCAB issued its decision to contest the ALJ's recommendation by bringing the excluded villagers in to testify; and

WHEREAS, ANCAB refused Alexander Creek's request to re-open the case to allow Alexander Creek to bring the excluded villagers in to testify; and

WHEREAS, in November of 1974, the United States District Court ruled ANCAB's secret proceedings were unconstitutional and ordered Alexander Creek's village status be reinstated; and

WHEREAS, in April of 1978, the United States Court of Appeals agreed with the United States District Court that ANCAB's secret proceedings were unconstitutional, but ruled the appropriate remedy was to return the matter to the Secretary of the Interior for a proper determination, rather than reinstatement of Alexander Creek's village eligibility determination; and

WHEREAS, in December of 1979, rather than following the United States Court of Appeals direction for a proper determination of village status, and at a time when Alexander Creek was unrepresented by legal counsel, Alexander Creek was told it had to and did sign a paper making it a "group," giving away its legal right to become an eligible village; and

WHEREAS, while Alexander Creek losing its village in this manner might have been legal under the White Man's Law, it was neither fair nor just; and

WHEREAS, Alexander Creek has attempted for 20 years to have this injustice corrected; and

WHEREAS, to date, Alexander Creek has received less than 1,700 acres of land, and unless Congress acts, has little prospect of receiving any additional land as compensation for the United States Government's taking of their land; and

WHEREAS, on April 8, 2002, Charles F. Bunch, Alaska Field Representative of the Bureau of Indian Affairs concluded, after "a thorough assessment" that the BIA's "original determination that Alexander Creek met the requirement" for village eligibility was correct; and

WHEREAS, Congress' direction in the Alaska Native Claims Settlement Act that "the settlement should be accomplished rapidly . . . with maximum participation by Natives in decisions affecting their rights and property" was not achieved in Alexander Creek's case; and

WHEREAS, in 2001, having come to recognize this injustice, the State of Alaska wrote a letter, and the Matanuska-Susitna Borough passed a resolution, in support of restoring Alexander Creek's eligibility as a village under the Alaska Native Claims Settlement Act; and

WHEREAS, the Alaska Federation of Natives and Cook Inlet Region Inc., and many other Native American organizations support Alexander Creek's efforts to obtain justice in this way; and

WHEREAS, it is the Congress' responsibility to correct this injustice,

**BE IT RESOLVED:**

We join with those who have called upon the Congress of the United States of America to correct the unconscionable injustice that Alexander Creek has suffered at the hands of the United States Government by enacting legislation restoring Alexander Creek's village eligibility under the Alaska Native Claims Settlement Act and providing other fair compensation acceptable to Alexander Creek, Inc., for the United States Government's taking of its land.

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Passed: \_\_\_\_\_

Signed: \_\_\_\_\_