

Testimony of
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Alexander Creek Incorporated

Hearing
Subcommittee on Indian and Alaska Native Affairs
Congressman Don Young, Chairman

HR 4194 (Young-AK)
"To Amend the Alaska Native Claims Settlement Act to provide that Alexander Creek,
Alaska, is and shall be recognized as an eligible Native Village under that Act, and for
other purposes".

Room 1334
Tuesday, March 20, 2012, 10:00am
Longworth House Office Building
Washington, DC

Chairman Young, and distinguished members of the committee, Thank you for the opportunity to appear before you today on behalf of Alexander Creek. We are so grateful to be able to talk about Congressman Young's bill recognizing Alexander Creek as a village. If this bill is enacted, a great injustice will be remedied.

My name is Stephanie Thompson I am testifying today in my capacity as President of Alexander Creek, a position that I have held for 26 years. I also represent the

shareholders of Alexander Creek such as Carl Thiele he is 90 years old, Bertha Tolbert 87 years old, Reinhold Thiele 85, Earl Roberts, Tommy Roberts and Vera Rodekhor who are deceased, these are just a few of our elders who are still waiting, it has been over 40 years. They are not going to live forever. Their greatest hopes and aspirations are for Alexander Creek to regain their Village Corporation status.

For the last seven years I have served on the Alaska Federation of Natives Board as a board member and alternate representing the Cook Inlet Villages and tribes. In this capacity I serve on the legislative and convention committees.

LOCATION

Alexander Creek is located across Cook Inlet 27 miles northwest of Anchorage Alaska. Lying right below Mt. Susitna, Alexander Creek empties into the Susitna River just a few miles from its mouth in Cook Inlet. To this day Alexander Creek is only accessible by boat, plane, snowmobile, or ATV.

HISTORY

Alexander Creek Village was first reported by George H. Eldridge in 1898. Eldridge was tasked with conducting an extensive exploration of the geological, topographical, and other features of Alaska, which was authorized by Congress.

Alexander Creek had a thriving population until the whooping cough, measles and the influenza epidemics of the early 1900's decimated the Native population. By 1939 Alexander Creek was reoccupied by Native families.

ANCSA

On December 18, 1971 Congress enacted ANCSA to settle Alaska Native Land Claims, "because of an immediate need for a fair and just settlement of all {Native Land Claims} based on aboriginal land claims", and Congress therein declared "the settlement should be accomplished rapidly . . . with maximum participation by Natives in decisions affecting their rights and property". Under ANCSA, Village Corporations were to receive from 69,120 acres to 161,200 acres depending on how many people lived there. As part of it's original selections Alexander Creek was the first in the Cook Inlet Region to select lands. These lands were rich in fish, wildlife, and natural resources. Because of these things and of its easy accessibility from Anchorage there was much interest in the lands that were selected.

INITIAL ELIGIBILITY DETERMINATION

In order to be eligible a village needed to have 25 residents. The Bureau of Indian Affairs, which was charged with establishing the Village rolls, determined that there were 37 Natives properly enrolled to the Alexander Creek Village and that it should be certified as a Village for purposes of receiving ANCSA land and monetary benefits. Five other members were enrolled to Alexander Creek after this determination, for the enrollment period was extended to bring the final village total to 42. Certification as a Village would have entitled Alexander Creek to 69,120 acres. However, most of the land

that would have normally been available to Alexander Creek had already been conveyed to the State, and much of this already promised to the Matanuska-Susitna Borough. This created a conflict over land rights and the State of Alaska and the Mat-Su Borough protested Alexander Creek's eligibility. To this day Alexander Creek has received less than 1700 acres.

INTERIOR DEPARTMENT DECISION

A hearing was held before an Administrative Law Judge to resolve the protests starting on July 11, 1974. However, a number of villagers were not called in to testify. My father who was Vice President at the time had just gotten home from flying when they called him in to testify. He went in his flight uniform and they put him on the stand unprepared.

In a "secret review procedure" The Interior Secretary's designee, the Alaska Native Claims Appeals Board (ANCAB) issued its decision on November 1, 1974 that there were only 22 natives properly enrolled to the village - 3 short of the required 25. ANCAB's decision was reversed on appeal by the United States District Court on November 14, 1975 and Alexander Creek's village eligibility was ordered reinstated. This was appealed by the State of Alaska. One year later the Court of Appeals affirmed the District Court's ruling on the unconstitutionality of the secret proceedings. ANCAB's stated reason for the refusal to recognize some of the members was that they had not testified at the hearing. Immediately after learning this Alexander Creek requested ANCAB to let these villagers be heard, but ANCAB refused. In this way Alexander Creek improperly lost our status to be properly recognized as a Village.

CONCLUSION

The Alaska Native Claims Settlement Act of 1971 was the largest Native land settlement in the history of the United States. The complexity of the Act which ran many, many pages, and consumed the time of hundred upon hundreds of dedicated people - from within the federal government and state government - not to mention from within the Native community - from Barrow to Ketchikan. But passage of this settlement was just the start.

Next came the implementation of a very complex piece of legislation.

This was an unprecedented implementation phase full of complexity and difficult work. It would be unreasonable to assume that everything went smoothly or was done correctly. There are many errors which occurred and the Congress has systematically corrected them with amending legislation as the Members became aware of the errors.

In fact the history of the Alaska Native Claims Settlement Act, is that the federal law has been amended in every Congress since 1971. A package of technical amendments, and sometimes major policy changes have occurred. We in the Alaska Native community consider the Alaska Native Claims Settlement Act to be living legislation - that is intended to remain responsive to the real needs of Alaska Native people over time. The error that occurred to the people of Alexander Creek must be corrected and we have remedial legislation which will do this.

Mr. Chairman for the reasons that I have stated, our village corporation strongly supports H.R. 4194. This is a different approach than was offered in the last Congress. We

appreciate what you have done to address technical concerns that will allow this bill to advance in the House. You have shortened the bill so it is not overly prescriptive. Your bill achieves our goal of obtaining recognition by the United States as an Alaska Native Village Corporation, something that we were wrongfully denied long ago. This approach does not award us land in Alaska as other Villages have received. This is because of the practical situation that now exists: All of the land selections in Alaska have been made by others including the State and boroughs or are part of parks or other conservation areas. There is really no additional land to select. Instead, you have wisely taken an approach that is right for this situation. You are leaving the details of our settlement to the Secretary of the Interior. He will work with us and make an agreement with us as an agent of the United States, so that our aboriginal land claims and other claims can be settled. We think that accommodation is just and we are willing to work with the Secretary on those details as you envision. We would hope to get started on this quickly, right when this bill passes. On the subject of shareholder participation, we are glad that section is included as the members of our Corporation are on board with this approach and thankful for your efforts to ensure that they are adequately informed. Believe me, they are. As we have waited for this day, we have talked many, many times about the implications of this recognition. You also protect our existing land selections given to us as a group, which is only fair.

We are seeking to correct a wrong, a wrong which Congress can correct. We are grateful that you have been such an advocate for us Congressman Young. The federal courts have heard our concern, and have stated that this wrong should be corrected. You and your staff have listened to us about this topic for years and you have always acted to move our interests forward. In which we sincerely appreciate. The most significant aspect of the legislation is that it correctly recognizes Alexander Creek as what it has been for hundreds of years: an Alaska Native village. The bill will recognize Alexander Creek as a village, not a group corporation, and provide a means for the village to receive treatment equal to other villages in Alaska under ANCSA.

We have been recognized as a group corporation, but we are not because we are a Village.

The time to act is now.

I will be leaving a DVD entitled "These Voices Must Be Heard", which tells the story of Alexander Creek in the words of our elders. Please incorporate this into the hearing record.

I'd like to thank you for having the opportunity to come before you today. Can I answer any questions for you?

