

whether the Natives did in fact use the lands in the ways they alleged. The Court of Appeals also suggested that the district court consider holding the case in abeyance pending action by Congress on the settlement proposals before it.

The decision affirms the position of the A.F.N. that the Statehood Act preserved the Natives' aboriginal rights vis-a-vis the State and preserved the power of Congress to reserve to them whatever interests it chooses in their aboriginal lands, notwithstanding such lands may have been selected by, tentatively approved, or even patented to the State. Specifically, the decision dispels any doubt that, as a matter of law, Congress has the authority to reserve royalty interests in lands for the aboriginal owners whether or not the lands have been selected by, tentatively approved, or patented to the State.

The decision also casts substantial doubt on the authority of the Secretary of the Interior to have approved or patented any selections involving lands claimed by the Natives without first having conducted proceedings to determine the validity of their claims. In any event, in the absence of the enactment of legislation by Congress, the decision makes clear that whether or not Secretary Udall's land freeze order is extended beyond its present expiration date, the State of Alaska cannot obtain possession of or patent to any additional lands under section 6(b) of the Statehood Act until proceedings have been held to determine the validity of the Native claims.

We remain firmly of the view that legislation is without question the best means of justly and equitably settling the aboriginal rights of