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THE SUPREME COURT OF THE UNITED STATES HAS REPEATEDLY HELD THAT ABORIGINAL INDIAN TITLE TO LANDS EMBRACES THE COMPLETE BENEFICIAL OWNERSHIP BASED ON THE RIGHT OF PERPETUAL AND EXCLUSIVE USE AND OCCUPANCY. SUCH TITLE ALSO CARRIES WITH IT THE RIGHT OF THE TRIBE OR NATIVE GROUP TO BE PROTECTED FULLY BY THE UNITED STATES IN SUCH EXCLUSIVE OCCUPANCY AGAINST ANY INTERFERENCE OR CONFLICTING USE OR TAKING BY ALL OTHERS, INCLUDING PROTECTION AGAINST THE STATE GOVERNMENTS. IN SHORT, AS DECLARED BY THE SUPREME COURT, ABORIGINAL INDIAN OWNERSHIP IS AS SACRED AS THE WHITE MAN'S OWNERSHIP.

THE ESTABLISHED LAW IS THAT ONLY THE UNITED STATES MAY EXTINGUISH ABORIGINAL INDIAN OWNERSHIP. THUS, INDIAN LAND CLAIMS CASES IN THE SOUTH 48 ARISE OUT OF CIRCUMSTANCES IN WHICH THE LAND WAS TAKEN AT SOME POINT IN THE PAST. THUS, FOR EXAMPLE, THE COURT HELD THAT THE CALIFORNIA INDIANS LOST THEIR LANDS IN 1853 AND A FAIR MARKET VALUE, AS OF THE DATE OF TAKING, WAS ESTABLISHED IN ORDER TO FIX THE AMOUNT OF COMPENSATION. BUT ALASKA IS THE SOLE REMAINING PART OF THE UNITED STATES WHICH INCLUDES EXTENSIVE AREAS STILL USED AND CLAIMED BY THE ABORIGINAL INHABITANTS BASED ON RIGHTS OF ABORIGINAL OCCUPANCY. THUS, WE ASSERT THAT OUR INDIAN OR NATIVE TITLE HAS NOT BEEN EXTINGUISHED. WE ARE NOT DEALING WITH HISTORIC FACT. THIS IS A "HERE AND NOW" SITUATION.

WITH THE EXCEPTION OF VARIOUS PORTIONS OF LAND, THE INDIAN OR NATIVE TITLE TO VAST AREAS CLAIMED BY THE NATIVES HAS NOT BEEN EXTINGUISHED. TO QUOTE FROM THE COURT OF CLAIMS IN THE CASE OF THE TLINGIT AND HAIDA INDIANS V. UNITED STATES, DOCKET 47900, DECIDED ON JANUARY 1968, "THIS COURT HAS HELD THAT EQUITABLE AND JUST COMPENSATION FOR LAND HELD BY INDIAN TITLE IS MEASURED BY THE DATE OF TAKING