

6.

FAIR MARKET VALUE OF THE UNCOMPENSATED FOR PROPERTY RIGHTS....THE VALUE OF LAND HELD BY INDIAN TITLE IS THE SAME AS THAT HELD IN FEE SIMPLE AND NOT THE VALUE TO ITS PRIMITIVE OCCUPANTS RELYING UPON IT FOR SUBSISTENCE..." (EMPHASIS ADDED) THUS, THE COURT CONFIRMED ITS PREVIOUS THEORY OF VALUE AND, AT THE SAME TIME, EXPRESSLY REJECTED THE NOTION THAT NATIVES SHOULD BE PAID ON THE BASIS OF VALUES CONSISTENT WITH SUBSISTENCE USE. THE IMPLICATIONS FOR THE STATEWIDE LAND CLAIMS ARE OBVIOUS.

CONSERVATIVELY ESTIMATED, THE VALUE OF LANDS NOW HELD BY ABORIGINAL TITLE IS, AT LEAST, IN THE TENS OF BILLIONS OF DOLLARS. THIS GREAT VALUE WAS RECENTLY ILLUSTRATED BY THE MORE THAN \$900 MILLION WHICH WAS PAID ON SEPTEMBER 10, 1969 FOR THE RIGHT TO EXPLORE FOR OIL ON 400,000 ACRES OF LAND USED AND OCCUPIED BY NORTH SLOPE ESKIMOS SINCE "TIME IMMEMORIAL".

NOTWITHSTANDING THEIR KNOWLEDGE AS TO THE ALMOST ASTRONOMICAL WORTH OF LANDS THAT THEY ARE ASKED TO GIVE UP, THE FACT IS, THE ALASKA NATIVES DO NOT SEEK THE FULL VALUE OF ANY LANDS WHICH MAY BE TAKEN AS A RESULT OF A LEGISLATIVE SETTLEMENT. THEY DO THIS, KNOWING THAT PREVIOUSLY ESTABLISHED LEGAL PRINCIPLES FIXED VALUATIONS FOR INDIAN TITLE LANDS AS OF THE DATE-OF-TAKING.

THE ALASKA FEDERATION OF NATIVES DEVELOPED, AS ITS FIRST PROPOSED SOLUTION TO THE NATIVE LAND CLAIMS, S.2020. THE PROPOSAL WOULD HAVE AMENDED THE JURISDICTION OF THE COURT OF CLAIMS AND WOULD HAVE ALLOWED THE NATIVES TO SUE THE UNITED STATES IN THE COURT OF CLAIMS. THIS SOLUTION STILL HAS ITS ADHERENTS. FURTHERMORE,