

III. Compensation

A. The Lands In Question

Under all three proposals compensation is to be made for the extinguishment of claims. To determine whether compensation is fair we must examine the scope and validity of the claim being extinguished.

The Alaska Natives have filed formal claims to approximately 340,000,000 acres or more than 90% of the lands in Alaska. These claims are not lightly made. After extensive analysis, the Federal Field Committee concluded:

"That Alaska Natives have a substantial claim upon all the lands of Alaska by virtue of their aboriginal occupancy. . . ." Alaska Native Claims: Major Elements of a Proposed Settlement 15 (1969) (emphasis in original).

This is a restatement of a principle of law that has been recognized for years - namely, that aboriginal use and occupancy of lands in Alaska created rights in that land. See, e.g., Tlingit and Haida Indians of Alaska v. United States, 177 F.Supp. 452 (Ct. Cl. 1959), where the Tlingit-Haidas recovered for the taking of about 20 million acres by the United States.

Further evidence of the merit of the claims which have been filed is furnished by the fact that despite the number of regions and villages making claims, and the limited amount of land from which subsistence can be obtained, there are relatively few conflicting claims. This would not be the case if the claims lacked factual basis.