

United States v. Shoshone Tribe of Indians, 304 U.S. 111, 117 (1938).

This consistent policy of respect for the Indian right of occupancy was summarized as follows in United States v. Sante Fe Pacific R.R. Co., 314 U.S. 339, 345 (1941):

"Unquestionably it has been the policy of the Federal government from the beginning to respect the Indian right of occupancy, which could only be interfered with or determined by the United States."

Shortly thereafter, in United States v. Alcea Band of Tillamooks, 329 U.S. 40, 46 (1946), the Supreme Court stated that the sovereign's title "was deemed subject to a right of occupancy in favor of Indian Tribes."

In Tee-Hit-Ton Indians v. United States, 348 U.S. 272 (1955), which involved lands in Alaska, the Supreme Court held that Indians' title unaided by statute did not give rise to a compensable right against the United States, but acknowledged that it has been "the policy of the Congress, continued throughout our history, to extinguish Indian title through negotiation rather than by force" (p. 273), and that the Indians had a "right of occupancy which the sovereign grants and protects against intrusion by third parties" (p. 279).

In addition to the protection afforded by general federal legislation and Supreme Court decisions, the possessory rights of Alaskan Natives have been the subject of