

C. The Compensation Proposals

We now reach the second question on the compensation issue: What is fair compensation for the extinguishment of aboriginal title to lands worth many billions of dollars? In answering this question we must keep in mind the factors which make the Alaska Natives land issue different from past settlements. The Alaska Natives have not been herded onto reservations; they are living on and using the very lands which are involved in the settlement. This may not have been the case for any past major settlement.

Moreover, up to this date, the aboriginal title of the Alaska Natives has not been extinguished. If it is to be extinguished, the date of the extinguishment will be the effective date of the settlement legislation. And it is well established that compensation is to be determined as of the date that aboriginal title is extinguished. Crow Tribe of Indians v. United States, 284 F.2d 361 (Ct. Cl. 1960).

Under such circumstances, the present value of the land is the only fair measure of what is being given up. The 19th century value is totally irrelevant.

On the compensation issue, both the Federal Field and Interior Bills set their sights too low and promise more than they produce. The compensation proposed by the Federal Field Bill is \$100 million plus a