possibility, and has been discovered once,[23] but mere common use allows too many other inferences to be drawn (owner? guest? passing through?) to allow title to be decreed in one tribe or the other or both. From the map, one may observe that this requirement seems often to have led to the finding of "buffer zones" between tribes, while in other cases the evidence has allowed the drawing of more precise boundaries.

Indian title also requires use of the area "for a long time." The decisions reflect an unwillingness to find ownership of a specific tract in a nomadic tribe wandering over many areas; some degree of continuous association with an area has been required. However, no example comes to mind of a tribe so nomadic that it was denied having Indian title lands located somewhere.[24] Perhaps 20 to 50 years seems judicially acceptable as "a long time" under appropriate circumstances.[25]

C. Indian vs. Recognized Title

Along with the power of Congress to terminate Indian title at will goes the power of Congress to invest a tribe with a more secure title. When Congress by treaty or statute acknowledged that a

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23/ United States v. Pueblos of San Ildefonso, Santo Domingo and Santa Clara, 206 Ct. Cl. 649 (1975), aff'g 30 Ind. Cl. Comm. 234 (1973).

24/ But see Wichita Indians v. United States, 89 Ct. Cl. 378 (1939).

25/ United States v. Seminole Indians, supra; Sac and Fox Tribe v. United States, 179 Ct. Cl. 8 (1967).