

1 point. This court must follow the law and I must look
2 to my own jurisdiction, and I have to have something to
3 establish jurisdiction. It is not just because of
4 sympathy, or what I think, or by reading into it the
5 inferences. I've got to have the law supporting it.

6 I see no -- you have not established any jurisdiction yet
7 in this court.

8 MR. KAMINS: Your Honor, I will
9 readily admit to the court we weren't prepared to go into
10 the previous citations.

11 THE COURT: You don't need to.
12 I've made that a part of the record of this trial. You
13 don't need to do that. But, at this hearing, I'm talking
14 about any evidence you want to put on today to establish
15 to me the federal jurisdictional question, Number 1, and
16 I want to find out what damages. But, so far you have
17 got to tell me where the conflict is, first.

18 MR. KAMINS: Your Honor, in
19 addition to the treaties, as far as the jurisdiction of
20 this court, we have presented to the court, we feel, a
21 preponderance of evidence that this is Indian country.
22 under the statute, under the definition of the statute.
23 In other words, the definition of the statute says "any
24 land being held in trust or for the use and benefit of
25 an Indian tribe." That's one section. Another section says,