

1 he pointed?

2 MR. KAMINS:

Your Honor, from

3 reading the transcript, in reviewing Mr. White, who was
4 the independent surveyor, who went to the site with the
5 plaintiff and other parties, when asked -- when I asked
6 Mr. White where did Mr. Chewie point when he was standing
7 at the site of the arrest he said in a southwesterly
8 direction, and I said to Mr. White, "Would that be out
9 of Section 32?" And he said, "No, because it was less
10 than a quarter of a mile." Therefore, when we put the
11 overlay on Section 32 and looked to the southwesterly
12 corner from the site of the arrest, that land there was
13 land held by the United States of America, purchased under
14 the -- which we later found from Mr. Cook, the Jones Act
15 held in trust for the Cherokees for their use and benefit,
16 and it was not fee land, it was not domain land, and I
17 think we could even substantiate because we have
18 Mr. Daughterty here from the realty office in Muskogee
19 that that land in Section 32 has been managed continually,
20 since 1936, all of the land, by the Bureau and leased by
21 the Bureau and the moneys from the leases was deposited
22 with the tribal account. So, that was our feeling.

23 THE COURT:

Well, I'm talking

24 about Mr. Chewie's own act, though, when he stepped from
25 the stand and pointed to the exhibit which you had on the