

1 THE COURT:

I would like to

2 hear, first, the jurisdiction of the court. Number 1,

3 is there a conflict between the United States

4 Constitution, the laws and the treaties and the state

5 law? Is there any conflict? I want to know that. If

6 so, whether it is treaty, law or what constitution.

7 Number 2, is there a jurisdictional amount of  
8 \$10,000 involved?

9 MR. KAMINS:

Of course, Your

10 Honor, as far as the \$10,000 we feel that anytime a

11 person who, Johnnie Chewie being 28 years of age, would

12 be deprived a personal right which he has and a property

13 right, and that is his right to hunt freely on this land,

14 that certainly I don't think it would take long to show

15 that he would be deprived of more than \$10,000, because

16 testimony presented at the three judge hearing by

17 Mr. Chewie and by Mr. Muahrhaftig brought out clearly

18 that the average income of the Cherokee was \$500 a year,

19 that they were dependent upon this game, particularly deer,

20 not only his immediate family but families living in the

21 Little Kansas Community, which is adjacent to the area

22 where he was arrested and the deer was killed, and I

23 think that clearly would be a taking of \$10,000 if he

24 would be deprived of this right.

25 As far as the treaties and the laws before the