

Written Testimony
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Nebraska Commission on Indian Affairs
House Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands

H.R. 2490 - To amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Chief Standing Bear National Historic Trail, and for other purposes.

May 22, 2019
10:00 a.m.

Good morning Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee. Thank you for holding a hearing on H.R. 2490 - a bill to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Chief Standing Bear National Historic Trail. As an enrolled member of the Ponca Tribe of Nebraska and the Executive Director of the Nebraska Commission on Indian Affairs, it is an honor and a privilege to provide testimony here today. I would also like to thank Congressman Fortenberry for his continued leadership in championing the legacy of Chief Standing Bear in Nebraska and beyond.

H.R. 2490 is the first important step to determine the feasibility of designating the Chief Standing Bear National Historic Trail to trace Ponca Chief Standing Bear and the Poncas' forced removal from Nebraska, and subsequent forced march through Kansas, and to Oklahoma. The Trail will educate the public about Chief Standing Bear and the Ponca Tribe's forced relocation to Oklahoma and our long journey back to our homelands and will serve as a starting point to bring about a greater understanding of tribal sovereignty, tribal rights, human rights, and equality for all peoples, while also promoting eco-tourism for local communities. Importantly, because the Trail will follow the general corridor in which the journey originally occurred rather than the actual land the Poncas walked, the Trail will not require any easements or rights-of-way that would impact existing property rights or future energy development. H.R. 2490 is non-controversial and does not contain Congressional earmarks. For these reasons, I respectfully request that the Subcommittee move this forward for full Committee consideration and passage.

I. Background on Chief Standing Bear and the Ponca People

Chief Standing Bear was born on the banks of the Niobrara River in Nebraska where the Ponca people peaceably traditionally lived. In 1877, by federal treaty, the United States forcibly removed Chief Standing Bear and the Ponca Tribe from our homeland in Nebraska to Indian Territory, in what is now Oklahoma. Chief Standing Bear and the Ponca people walked over 500 miles from Nebraska to Oklahoma, enduring hardships of travel, illness, and the harsh conditions of Indian Territory. Sadly, many members of the Tribe perished during the Tribe's first year in Indian Territory, including Chief Standing Bear's son Bear Shield. Bear Shield's dying wish to his father was to be buried back in our homelands along the Niobrara River.

Determined to grant his son's dying wish, Chief Standing Bear led thirty members, including women and children, on the long 500-mile walk back from Indian Territory to our home in Nebraska. Under orders from the Secretary of the Interior Carl Schurz, Brigadier General George Crook arrested the returning Poncas for leaving the reservation in Indian Territory. The Army took Chief Standing Bear and the others to Fort Omaha, where they were detained. Although the official orders were to return the Ponca immediately to Indian Territory, General Crook was sympathetic to the Ponca and appalled to learn of the conditions they had faced. He delayed their return so the Ponca could rest, regain their health, and seek legal redress in Nebraska.

General Crook told the Ponca story to Thomas Tibbles, an editor of the Omaha Daily Herald, who publicized the Poncas' story widely. Attorney John L. Webster offered his services to the Ponca pro bono and was joined by Andrew J. Poppleton, chief attorney of the Union Pacific Railroad. In April of 1879, with the help of these local attorneys, Chief Standing Bear sued the Federal government for a writ of habeas corpus seeking his freedom and right to return to his homeland. *See United States ex rel. Standing Bear v. Crook*, 25 F. Cas. 695 (C.C.D. Neb. 1879). Susette LaFlesche, an accomplished, educated bilingual Omaha tribal member, served as an interpreter for Chief Standing Bear during the court proceedings.

As the trial drew to a close, Judge Dundy announced that Chief Standing Bear could make a speech on his own behalf. Displaying his right hand to the courtroom, Standing Bear proceeded to speak his famous words: "That hand is not the color of yours, but if I pierce it, I shall feel pain. If you pierce your hand, you also feel pain. The blood that will flow from mine will be of the same color as yours. I am a man. The same God made us both." Chief Standing Bear and the Ponca people were victorious. On May 12, 1879, the federal judge ruled for the first time in American history that "an Indian is a person within the meaning of the law" with the "same inalienable right to life, liberty and the pursuit of happiness as the more fortunate white race."

II. Chief Standing Bear Recognition and Notable Accomplishments

The story of Chief Standing Bear has been widely recognized and celebrated in the State of Nebraska. There is very positive momentum and state-wide support to honor his legacy and communicate this important human rights story.

- I Am a Man—Standing Bear's Journey for Justice written by Joe Starita was recognized as the 2012 One Book One Nebraska.
- Standing Bear's Footsteps PBS/NET Documentary received the award for 2012 Heartland Regional Emmy Awards, Documentary – Historical and 2012 International Gabriel Award, Television: Documentary, Local Release | NET Television, Lincoln, Neb.
- As part of Nebraska's 150 Celebration, Chief Standing Bear of the Ponca, by Virginia Driving Hawk Sneve, was printed and provided for every 5th grade student and teacher in Nebraska to study from and use.

- On May 11, 2017, the Ponca Tribe of Nebraska assumed ownership of approximately 20 miles of the actual trail that Chief Standing Bear and his people walked.
- As part of Nebraska's sesquicentennial celebration, on October 15, 2017, a new statute of Chief Standing Bear was unveiled on Centennial Mall in Lincoln, Nebraska in front of the University of Nebraska Journalism College honoring the legacy of Chief Standing Bear.

Most recently, the State of Nebraska chose to highlight the important leadership of Chief Standing Bear as an early civil rights leader by placing a statue of him in the United States Capitol in Statuary Hall. On April 18, 2018, the Nebraska Legislature voted to replace two existing Nebraska statues in Statuary Hall—Julius Sterling Morton and William Jennings Bryan—with Willa Cather and Chief Standing Bear. On April, 23, 2018, Governor Ricketts signed this action into state law. On August 30, 2018, the Architect of the Capitol executed the agreement with the State of Nebraska to replace the William Jennings Bryan statue with the Ponca Chief Standing Bear statue. Earlier this month, the Joint Library Committee approved the final Chief Standing Bear statue which concludes the Congressional approval process. *See Attached Chief Standing Bear Statue Picture.* The State is working with Speaker Pelosi's office and the Nebraska Congressional delegation to schedule the unveiling ceremony and dedication of the Chief Standing Bear statue which we anticipate will occur in July or September of 2019. This is a perfect example of how Chief Standing Bear's story will be cemented in history in the United States Capitol and further supports that his contribution to American history is worthy of recognition through the establishment of the Chief Standing Bear National Historic Trail.

Moreover, the bill is supported by all three states where the Chief Standing Bear Trail corridor will be located—Nebraska, Kansas and Oklahoma. *See Attached Resolutions from Nebraska, Kansas and Oklahoma.* Additionally, a variety of groups and entities showed their support when the bill was previously introduced, including the Great Plains Trails Network, Humanities Nebraska, Vision Maker Media, Omaha Tribe, Ponca Tribe of Nebraska, Shakopee Mdewakanton Sioux Community, Southeast Nebraska Tourism Council, John G. Neihardt State Historic Site, University of Nebraska Center for Great Plains, Kansas Humanities Council and additional Nebraskan citizens. *See Attached Support Letters.*

III. Chief Standing Bear National Historic Trail Feasibility Study Bill

H.R. 2490 would authorize the Chief Standing Bear National Historical Trail Feasibility Study, the first important step for National Park Service ("NPS") to establish a "corridor" trail following the path Chief Standing Bear and our people were forced to take from Nebraska to Oklahoma, through Omaha where Chief Standing Bear's trial took place, and back to our homeland in Nebraska. *See Chief Standing Bear National Historic Trail Feasibility Map numbered 903/125,630, dated November 2014 (included with this testimony).* H.R. 2490 will amend the National Trails System Act (16 U.S.C. § 1144(c)) to include the Chief Standing Bear National Historic Trail as a feasibility study that the NPS will undertake. In particular, NPS will determine whether the Chief Standing Bear Trail meets the criteria described in subsection 5(b) of the National Trails System Act. During NPS' review and consideration, as part of their feasibility study, the statutory language of H.R. 2490 explicitly requires that NPS shall consider input from owners of private land within or adjacent to the proposed Chief Standing Bear Trail.

The Trail will have signage and markers along the “corridor” on public and/or federal property where Chief Standing Bear and the Ponca people walked. With the exception of 20 acres of the trail owned by the Ponca Tribe where signage and markers will be allowed, any other markers or informational signage about the Trail will only occur on public or federal land. As such, there is no need to purchase or impact private property in any manner. The purpose of the Trail is to document an important historic piece of American history and to educate the public about Chief Standing Bear and the Ponca Tribe’s struggle to return to their homeland, including the many obstacles they encountered along the way. The Trail will also highlight the local communities and individuals that assisted the Ponca in their efforts to return to their homeland. The Trail will be an educational tool to bring about a greater understanding of tribal sovereignty, tribal rights, human rights, and equality for all peoples.

IV. Chief Standing Bear National Historic Trail Feasibility Study Legislative History

The Chief Standing Bear National Historic Trail Feasibility Study bill was first introduced in the House (sponsored by Congressman Fortenberry and co-sponsored by Congressman Cole) (H.R. 5086) in 2014 and in the Senate (sponsored by Senator Johanns and co-sponsored by Senator Fischer and Senator Moran) (S. 2745) in 2014. On, July 29, 2014, the House Natural Resources Subcommittee on Public Lands and Environmental Regulation held a hearing on the bill where the National Park Service testified in favor of the bill. The House passed H.R. 5086 on December 9, 2014. However, the Senate did not pass the bill.

The bill was reintroduced in the House (sponsored by Congressman Fortenberry and co-sponsored by Congressman Cole) (H.R. 984) in 2015 and in the Senate (sponsored by Senator Fischer and co-sponsored by Senator Moran) (S. 479) in 2015. The House passed H.R. 984 on April 28, 2015; however, the Senate did not further move the bill.

V. Conclusion

The story of Chief Standing Bear and the Ponca people is a story of honor, courage, fortitude, perseverance and patriotism. It is a story of freedom, spiritual resolve, love of family, and love of country. It is a story that reflects all the values that Americans cherish and hold dear. The Standing Bear Trail, like Valley Forge and Gettysburg, will create a physical reminder of who we are as a people. And it is a symbolic reminder of what we value—the struggles to achieve justice and freedom for all, the things that separate us from other nations.

For these reasons and more, the proposed Chief Standing Bear National Historic Trail is an important endeavor. NPS must conduct a feasibility study before the Chief Standing Bear National Historic Trail can be statutorily established. As mentioned above, the Trail will trace the general trail where Chief Standing Bear and the Ponca walked in the late 1800’s, but importantly will not encroach on any private property.

This chapter in United States’ history deserves to be honored and told. It is a story that resonates not only with Native people, but with all Americans. Thank you for holding a hearing on this important piece of legislation and I look forward to seeing the bill move through full Committee consideration and eventual passage so that the Chief Standing Bear National Historic Trail is one step closer to becoming a reality for Nebraskans and the country as a whole.