

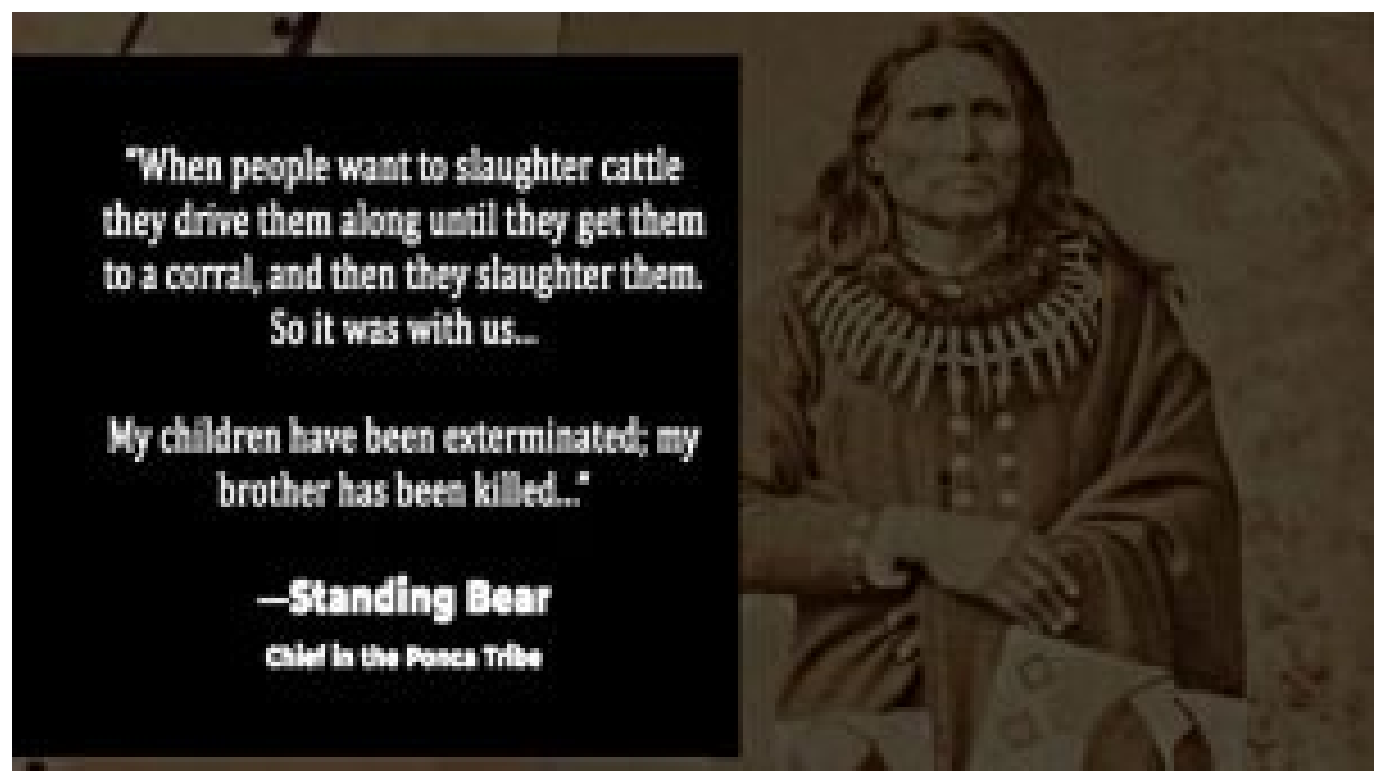
America's Early Civil Rights Case You Probably Weren't Taught

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by [Truthstream Media](#)

July 4, 2022

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"Disobedience is the true foundation of liberty. The obedient must be slaves."

—Henry David Thoreau,
Civil Disobedience, 1849



2K Lincoln Journal Star
Sunday, January 26, 2003

LIFE

Standing Bear part of case proving Natives' rights

As the new Nebraska Territory began to attract settlers, the federal government agreed a treaty with the Ponca tribe wherein the Ponca land claims were extinguished in exchange for a reservation on Fort Crook and the Nebraska River. But in Dakota Territory but later transferred to Nebraska.

The treaty also provided that \$275,000 would be paid to the Poncas over 30 years to provide schools, blacksmiths, mills and teachers to enlighten them as well as protect them from their more militant enemy the Sioux.

Virtually none of these promises was kept.

In the first study of Fort Lincoln, Gen. Sherman added insult to injury by inadvertently granting the Ponca Reservation to the Sioux.

As the peaceful Poncas were increasingly hunted by both settlers and the Sioux, who wanted possession of "their" land, the government's solution was to offer the Poncas land in Indian Territory, later Oklahoma. Gen. Sherman, led by Major John D. Smith, took a surveying trip to Indian Territory in 1878. When the chiefs presented the



JIM MCKEE
For the Journal Star

tricky, indigestible land proposals, the Poncas were largely ignored by the government representatives. They left some 250 Poncas to begin walking back to Nebraska on a winter trip that took 60 days.

In early 1877, the group arrived at the Okauch Reservation in Logan County, where they were given horses. The reservation agent told them they had to go back to the state, then the next year they were through.

When they finally got back to their former reservation on the Nebraska, the land voted not to accept the Indian Territory land and the following spring, planned to cross

the river. Federal officials ignored the Ponca issue and determined to forcibly remove the nearly 500 men, women and children to Indian Territory. Thus, the 300-mile "Trail of Tears" of 1877 began. Nine died on the forced march, including Standing Bear's daughter, Francis Flowers, who was buried near Milford.

In the first year in Indian Territory, about 30 percent of the Poncas died primarily of malaria, dysentery and other diseases, and the rest were placed in reservations. Standing Bear noted that he could not plant, because there was no seed, and the Poncas all became sick. Then J. A. Mendenhall, the U.S. Indian agent, also ordered the removal, rejected his statement in the newspapers, which offered to help nothing to aid settlement, and he predicted grave consequences for the Poncas.

When Standing Bear's daughter was born, he told his son that he would be born in Nebraska in January 1878. Standing Bear and 40 men left in three wagons with four Shoshone boys, heading for Nebraska. After a grueling 10-week journey, the party arrived at the Crow Reservation, only to be arrested by Gen. Crook on March 20 and held at Fort Omaha.

Crook was sympathetic to the Ponca situation, however, knowing that as a representative of the U.S. government he was in an almost untenable position. Crook approached Thomas H. Tibbles, an editor at the Omaha Herald, Tibbles convinced local clergy, who began writing and lobbying Washington while Tibbles began an editorial crusade on the Ponca behalf.

Although the editorial was correct, and Tibbles' determination a more aggressive attack was needed. The editorial asserted John Webster to determine if Natives had standing to sue in federal court. Webster in turn called an attorney and former Omaha Mayor A.J. Poppleton, who also volunteered his services. The three determined to base their case on the newly enacted 14th Amendment, which provided equal protection under the law.

The first step was for Standing Bear to petition the court with a writ of habeas corpus demanding that the court determine the validity of his imprisonment. The judge was Elmer Dundy, a known friend of the standing.

The two-day trial began April 30, 1879, with both Crook and Standing Bear in the full regalia of their re-

spective ranks. Government representatives spoke of the Indian Territory in glowing terms and warned that if the Natives were not confined, the view would soon "become withering and lawless hands." Crook appeared on behalf of the Poncas, and Standing Bear speaking through an interpreter, noted his blood was "the same color as yours. I am a man, God made us both."

On May 12 Dundy gave his verdict, which found that "an Indian (or a person within the meaning of the law) entitled to sue in federal court and has all the constitutional rights of U.S. citizens, though he stopped short of recognizing them as 'citizens,' a right they did not fully win until 1924.

The Poncas were allowed to return to their land, which the Sioux relinquished, and received other compensation. Standing Bear died Sept. 2, 1906, and in 1977 became the first Native to be named to the Nebraska Hall of Fame.

Historian Jim McKee, who still writes with a Ponca pen, wishes comments or questions. Write in care of the Journal Star or e-mail: lincoln@journalstar.net.



Ponca Chief Standing Bear was part of a landmark case that helped determine the rights of Natives. Standing Bear later was the first Native admitted to the Nebraska Hall of Fame.

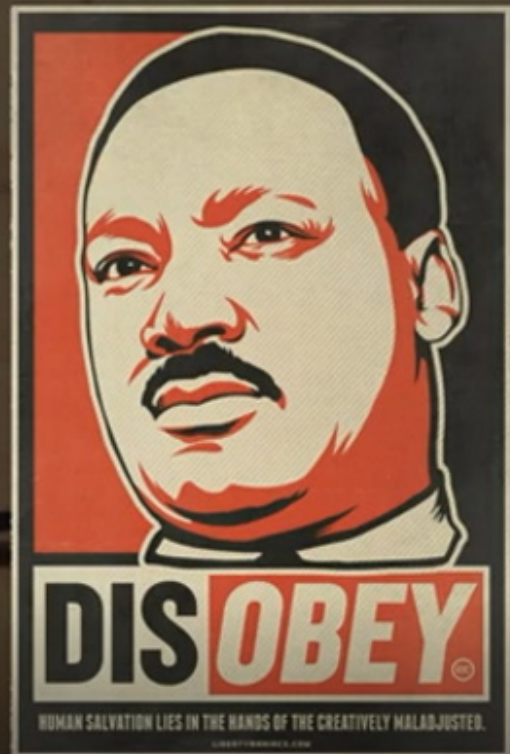
Pets

From around a world.
Lincoln Journal Star, Sunday, Jan. 26, 2003

Looks like it's time

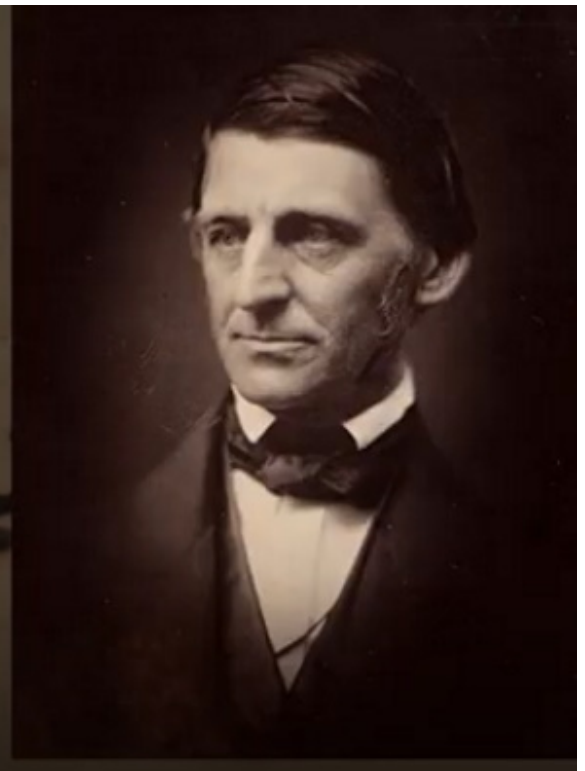
"Freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed."

—Martin Luther King, Jr.



"I dream of a better tomorrow, where chickens can cross the road and not be questioned about their motives."

—Ralph Waldo Emerson,
Transcendentalist Movement



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