

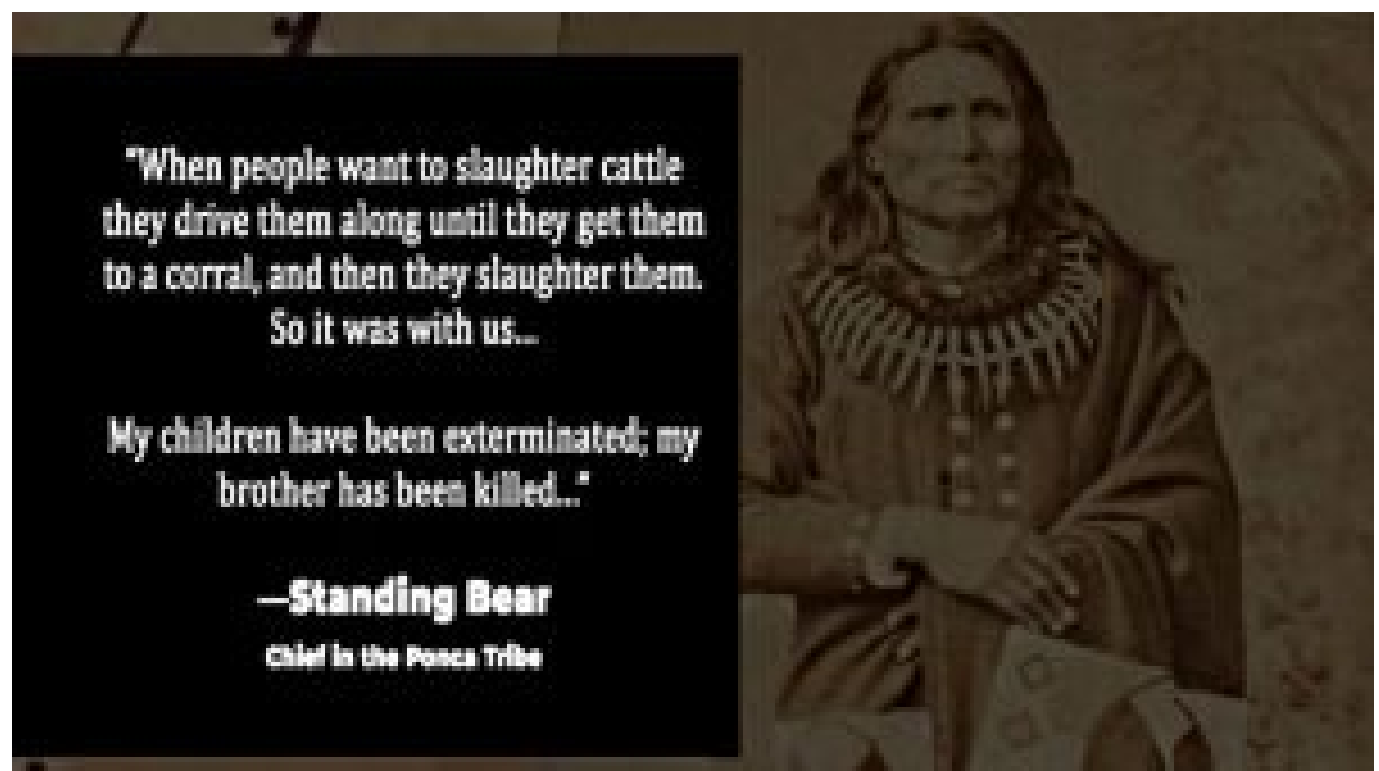
# America's Early Civil Rights Case You Probably Weren't Taught

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by [Truthstream Media](#)

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

—Henry David Thoreau,  
Civil Disobedience, 1849



## 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 \$25,000 would be paid to the Poncas over 30 years to provide schools, blacksmiths, mills and teachers to explain their use as well as providing them from their own animals every 10 years.

Virtually none of these promises was kept.

In the last 10 days of last December, 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 "white" land, the government's solution was to offer the Poncas land in Indian Territory, later Oklahoma. In Ponca chief, led by Maheo with this, or Standing Bear, were taken on an investigatory trip to Indian Territory in 1878. When the chiefs pronounced the



JIM MCKEE  
for the Journal Star

territory unsuitable, they were taken to the reservation in Fort Crook, where they were given horses. The reservations agent told they left their belongings in the snow, then were taken long ways through.

In early 1877, the group arrived at the Okauch Reservation in Cass County, where they were given horses. The reservations agent told they left their belongings in the snow, then were taken long ways 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 federal officials approved the Ponca move and determined to South to serve the nearly 500 men, women and children in Indian Territory. Thus, the 300-mile "Trail of Tears" of 1877 began. Nine died on the trail, including Standing Bear's daughter, Francis Henry, who was buried near Millard.

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 passed upriver. Standing Bear noted that he could not plant, he could not sow, and the Native's health was in a state of distress. The U.S. Indian agent also wanted the removal, rejected his arrangements in the winter, which offered little help, nothing to aid settlement, and he predicted grave consequences for the Poncas.

When Standing Bear's 13-year-old son, Iron Shield, died, his last wish was to be buried in Nebraska. In January 1879, Standing Bear and 40 men left in snow-covered with Bear's pack, 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 conspired local clergy, who began writing and lobbying Washington while Tibbles began an editorial crusade on the Ponca's behalf.

Although the editorial was correct, and other Tibbles' intervention a more aggressive attack was needed. The editor, attorney John Webster to determine if Natives had standing to sue in federal court. Webster's firm (called an attorney and lawyer Omaha Major 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 Ordway, a known friend of the standing.

The two-day trial began April 20, 1879, with both Crook and Standing Bear in the full regalia of their re-

spective status. Government representatives spoke of the Indian Territory in glowing terms and warned that if the Natives were not confined, the Sioux would soon "swarm with ravens 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 Ordway 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.

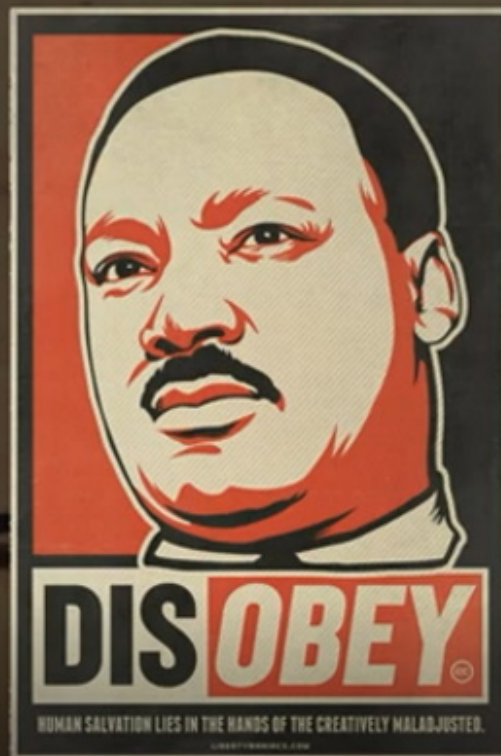
Historian Jim McKee, who still writes with a historical pen, wishes comments or questions. Write in care of the Journal Star or e-mail: [lincoln@journalstar.com](mailto:lincoln@journalstar.com).



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.

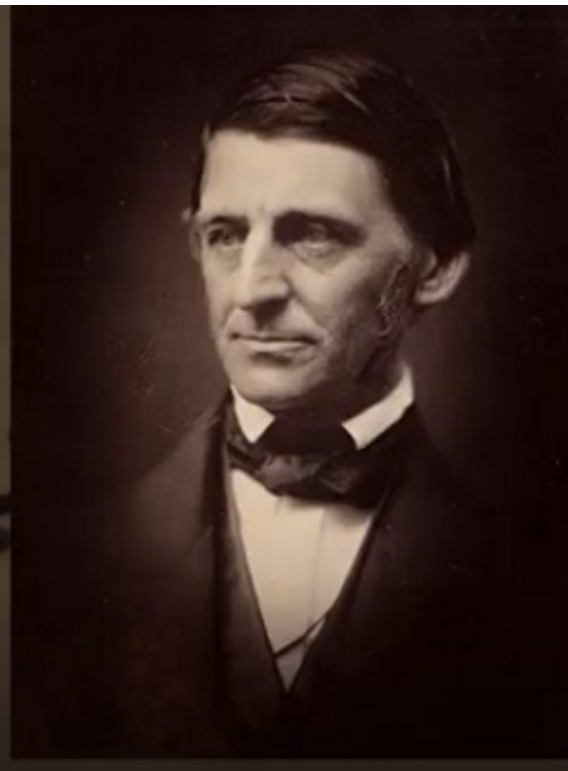
“Freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed.”

—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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