

Standing Bear and the Ponca: A Forgotten Legacy

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Standing Bear and the Ponca: A Forgotten Legacy

Cover Page Footnote

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Standing Bear and the Ponca: A Forgotten Legacy

The story of Standing Bear and the Ponca tribe stands as one of the most significant Native American ordeals in United States history. In 1879, *Standing Bear v. Crook* cemented the rights of Native Americans into U.S. law. This event is one of the most undervalued and lesser-known happenings in our nation's history. The fight for equality by minorities is a well-known American narrative, dating back centuries. For Native Americans, *Standing Bear v. Crook* was a monumental moment in their struggle for freedom and equality. Through his journey, Standing Bear forced the United States government to acknowledge the undeniable, that Native Americans are humans. This truth lay the groundwork for the landmark case.

Standing Bear's legacy is one of love, fortitude, and determination. His love of family and homeland guided him on a path aimed at the Niobrara River Valley and into a complex legal battle with the United States government. This legal battle directly took on the controversial practice of Native American removal and forced cultural assimilation. Simultaneously, it redefined the status of thirty Ponca and the lives of all Native Americans. To bring to light the importance of *Standing Bear v. Crook*, this paper shall begin by outlining Standing Bear and the Ponca's pathway to the courtroom. It will then analyze the arguments presented by both parties, followed by the court's rulings, and to conclude it will detail contributions made by Standing Bear and his lawyers.

Background of the Ponca Tribe

To truly understand the *Standing Bear v. Crook* case, one must be familiar with the history, culture, and reputation of Standing Bear's tribe, the Ponca. In their native language, which is rooted in the Thegiha language tree,¹ the name Ponca means Sacred Head.² The tribe

worshipped Wakanda, or the Great Spirit, throughout much of its history.³ The Ponca were not originally from the Niobrara River Valley; they were once located on the East Coast in the vicinity of Virginia and the Carolinas. There they were a part of a much larger tribe that migrated inland around the fourteenth or fifteenth century.⁴

In addition to the Ponca, this larger tribe was comprised of other tribes known today as the Omaha, Osage, Quapaw, and Kansa.⁵ Their shared ancestral lineage is an important factor throughout many parts of the Ponca story. If the United States government had allowed for these close relations to assist one another, the controversy and hardships of this process may have been prevented. Standing Bear sought assistance and refuge from these relatives as he attempted to return to his homeland.

Around 1500, the Omaha and Ponca members separated themselves from the larger tribe and continued their migration northwest.⁶ Eventually, these two tribes separated as the Ponca moved farther north, eventually settling in an area marked by the Niobrara River's connection to the greater Missouri River.⁷ The current Niobrara River derived its name from the Ponca who called it *Ni obhatha ke*, or Running Water.⁸ This location straddled the yet-to-be-formed Nebraska-South Dakota border.

Once reached, this region became the homeland of the Ponca tribe. They lived on, farmed, and hunted this area for centuries. Traditionally, the Ponca were a seminomadic tribe that built permanent housing and agricultural areas in the Niobrara River Valley before relocating to the Black Hills for buffalo hunts.⁹ Typical Ponca housing consisted of a large igloo-like structure made of earth materials, such as clay.¹⁰ They grew crops such as corn, squash, pumpkins, beans, and tobacco.¹¹

Nine different bands comprised the Ponca tribe. Each band had its own leader and responsibilities. These nine leaders reported to the Head Chief who was responsible for the tribe in its entirety.¹² A common misconception is that Standing Bear assumed the role of Head Chief, however he was in charge of one band, the Bear Clan. A tribal member known as White Eagle held the role of Head Chief.¹³ During the court case, tribal structure and Standing Bear's role within the tribe became an important point of argument.

Two events of note occurred within the Ponca tribe in 1804. First, the tribe came into contact with smallpox. This disease decimated tribal numbers; half of the tribe perished.¹⁴ As a result, only two hundred Ponca remained to experience the arrival of the Lewis and Clark expedition, which also took place in 1804.¹⁵ Like many tribes, soon after this experience the Ponca saw accelerated contact with the white settler population and their culture.

Unlike many other tribes, the Ponca adapted to the settlers' way of life with relatively little resistance. The Ponca were experienced warriors, whose enemies included the Sioux and Pawnee,¹⁶ however the decision was made to not attack the new settlers. In fact, it was an important point of pride within the tribe that no white had ever been harmed by a Ponca member.¹⁷

Not only did the Ponca not resist the new way of life, they embraced it. Over time, an estimated 236 wooden houses were built on the Niobrara reservation.¹⁸ Other evidence of white culture was found in the schooling and religious practices of the Ponca tribe. Ponca children attended an agency school and established a Christian church on the reservation.¹⁹

Agriculturally, the Ponca also conformed to the standards of white culture as they shifted towards the planting and harvesting of staple crops such as corn and wheat using modern tools and techniques.²⁰ So successful were they at using these techniques that surplus crops were sold

to white settlers in neighboring towns.²¹ With this revenue, the Ponca tribe were able to establish themselves as a self-sufficient reservation where members were able to acquire goods such as livestock, wagons, plows, and stoves without government assistance.²²

From the settlers' perspective, the Ponca transformation was a model of friendly and efficient assimilation. First Lieutenant William Carpenter referred to the Ponca as the "second most civilized tribe west of the Mississippi."²³ He further explained that the Ponca are only behind the Omaha tribe, who were close relatives of the Ponca. The fact that Standing Bear originated from such a "respectable" and well-liked tribe influenced many sympathetic white settlers to side with him during his battle for the return of Ponca land. The tribe's peacefulness and advancement along the "civilized" pathway played a major role in *Standing Bear v. Crook*.

This long history of goodwill towards the white world provided the Ponca and Standing Bear with considerable evidence of their civilized and independent behavior. In contrast, the Sioux or Apache tribes would have lacked this evidence if they were in the Ponca spot during the court case. Their histories of conflict with and resistance to the United States would have handicapped their ability to formulate a persuasive argument.

Background on Standing Bear

Similar to the tribe, the history and reputation of the individual at the forefront of this case is also an important factor to consider when analyzing *Standing Bear v. Crook*. Personal characterization of Standing Bear formulated by both the plaintiff and defense played pivotal roles in the final verdict. Many of the arguments and ensuing rulings were put forth with Standing Bear's reputation as the justification.

Standing Bear, or *Machnahzha*, was born in the Niobrara River Valley in 1829.²⁴ From the start, his destiny as a leader within the tribe was sealed by virtue of his father's role as Chief

of the Bear Clan.²⁵ As he grew, the times and circumstances of the Ponca tribe shaped Standing Bear's character. Their much larger enemy, the Sioux, increased attacks as food and resources became scarcer. White settlers also encroached on the Ponca's ancestral lands as America's Westward Expansion pushed farther.²⁶ With limited resources and therefore limited options, the Ponca gradually began to abandon their way of life in favor of white customs.

Standing Bear followed this trend of assimilation and demonstrated his transformation by wearing western clothing, building a log cabin, using modern farming equipment, and purchasing his own livestock.²⁷ His outspoken acceptance of Jesus Christ as his savior demonstrated his adoption of the white Christian faith.²⁸

Standing Bear, however, remained true to Ponca tradition in a number of aspects. He enhanced his positioning as leader within the Ponca structure, ultimately becoming second in command for the tribe as a whole.²⁹ Due to his warrior classification, Standing Bear was permitted to have two wives simultaneously. His first wife passed away after giving birth to two daughters. His second wife, Susette, eventually gave birth to his son, Bear Shield.³⁰ Susette's niece, Lottie Primeau, joined her as a co-wife at the age of twenty-two.³¹

As exemplified by his leadership position within the tribe, Standing Bear was a well-liked and respected man. He garnered a reputation amongst the tribe and white settlers as an earnest and well-spoken individual.³² Like his tribe, Standing Bear favored peace with the white settlers. This statement can be corroborated through the opinion of Commissioner of Indian Affairs Ezra Hayt, who noted that Standing Bear's influence had been used to "preserve peace and harmony with the United States."³³

The documentation of these favorable comments proved to be significant. Later on, Commissioner Hayt attempted to sway the public and court opinion against Standing Bear using

attacks focusing on his character.³⁴ *Standing Bear v. Crook's* outcome relied heavily on Standing Bear's standing as a person through the lens of white culture. Had a Native American of lower status or a more rebellious past been in Standing Bear's situation, the outcome may have been dramatically different.

Standing Bear's dedication to tribal ties and his polygamist lifestyle were almost certainly looked down upon by most white settlers at the time. On the other hand, Standing Bear's adoption of "white" customs in many other aspects of life allowed him to gain a favorable reputation among white officials and settlers. His record of peaceful assimilation and cooperation allowed for legal arguments centering around his civility to be plausibly presented.

The Journey to Indian Territory and Court: The Treaties

Throughout the United States' dealings with Native American, hundreds, if not thousands, of treaties were signed. These agreements, in theory, were supposed to benefit both sides. In reality, even when treaties were relatively beneficial to both sides, these treaties were often violated or outright ignored by the government. Much of this can be blamed on miscommunication and disorganization, as these were rampant problem within the Indian Affairs office. Sadly as well, tribes were frequently and deliberately taken advantage of by ill-meaning bureaucrats with an alternative agenda.

Over the course of forty-eight years, the Ponca entered into four treaties with the American government. Each one became more complicated than the last, as the government demanded more of the Ponca and offered more in exchange for their cooperation. The first treaty, the Treaty of 1817, was a simple acknowledgment of peace and friendship between the Ponca and government.³⁵ This particular treaty was brokered as a response to many western tribes siding with the British during the War of 1812.³⁶ No material objects were exchanged as a

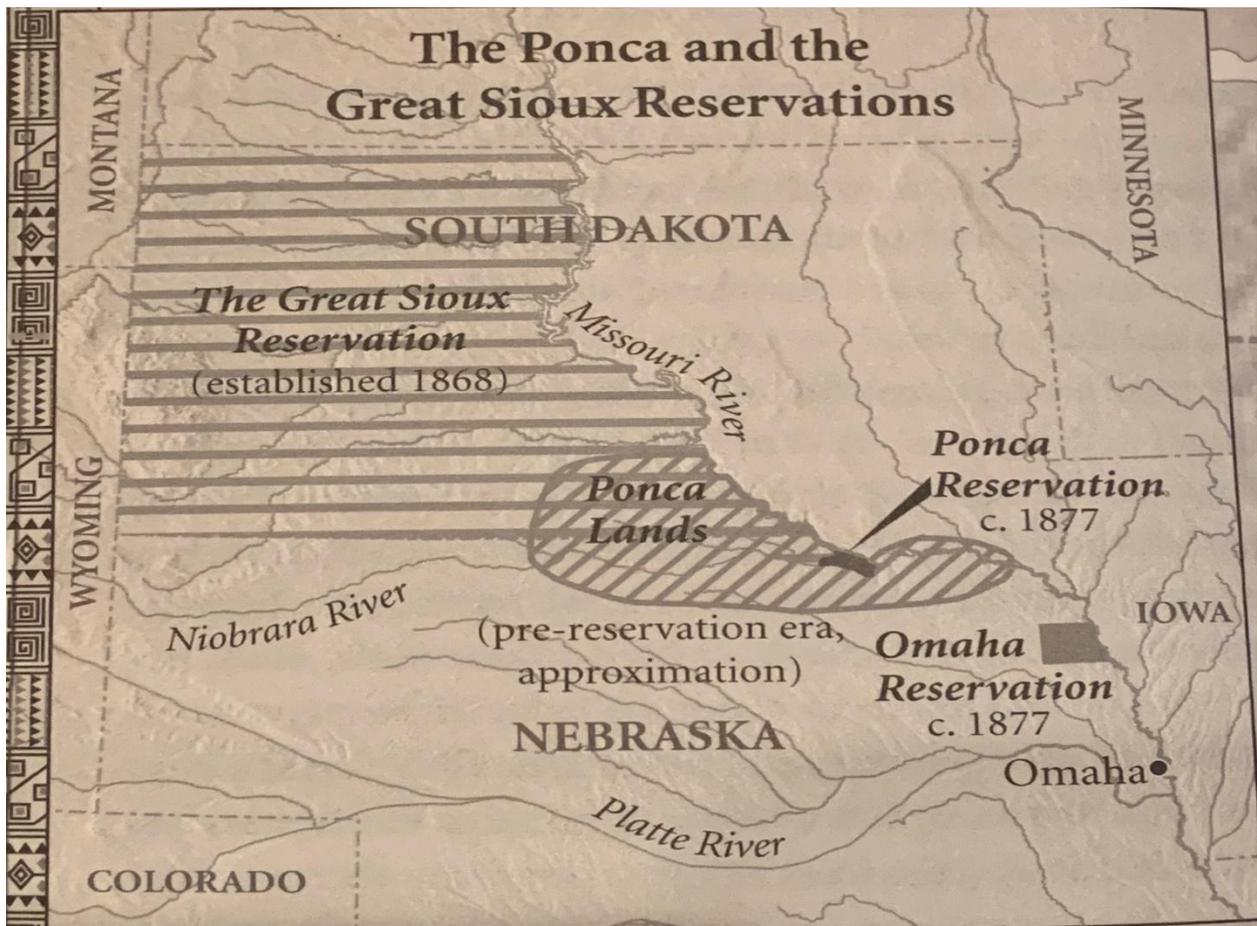
result and it was designed simply to win back the loyalty of Native tribes. The terms of the Treaty of 1825 required the Ponca tribe to acknowledge that they resided in the United States of America and they had to recognize American supremacy. Permission was granted to the government to regulate all trade dealing with the Ponca tribe.³⁷ In exchange, the United States committed itself to the protection of the Ponca from any other tribes or white settlers. In addition, gifts would be given to the tribe as a show of goodwill.³⁸ No specifics were mentioned as to what kind of gifts would be given or how frequently.

By the Treaty of 1858, requirements included the Ponca tribe forfeiting sections of its land for white settlement. In exchange, the government recognized the rest of the Ponca reservation. In addition to this official recognition of Ponca land, the government committed to making annual payments to the Ponca for thirty years. Again, protection from fellow tribes and settlers was promised to the tribe by the government. Finally, the government committed to the construction of schools and homes on the Ponca reservation.³⁹

Under the Treaty of 1865, the Ponca Reservation took its final shape before the Ponca removal twelve years later. This treaty reshaped the officially recognized Ponca Reservation. A number of desirable sections of the reservation were given to the government in exchange for other portions of land being given back.⁴⁰ In total, 30,000 acres were given to the government for which the Ponca received 96,000 acres of their ancestral land.⁴¹ An additional payment of \$15,080 was given to the tribe.⁴² As a result of their cooperation with the government, the Ponca suffered increased aggression from their much larger enemy, the Sioux.⁴³ The government failed to uphold its treaty obligations of military protection.

American maltreatment of the Ponca reached new heights with the Sioux Treaty of 1868, negotiated between the Sioux tribe and United States. Per this agreement, the Sioux received an

extensive reservation system in exchange for peaceful cooperation with the government. This reservation covered half of what is today the state of South Dakota. All of the land belonging to the Ponca reservation was included in this treaty without the knowledge or consent of the Ponca.⁴⁴



(Source: I AM A MAN by Joe Starita)

To rectify this “mistake,” the decision was made to remove the smaller and weaker Ponca tribe, directly violating the terms of multiple treaties. Naturally, the Sioux wanted the Ponca removed from their reservation. The Ponca’s presence on their newly formed reservation again resulted in increased Sioux attacks.⁴⁵ The government failed to live up to its obligations when it provided no military assistance to the Ponca for protective purposes. This atmosphere of disorganization,

mismanagement, and violence continued for many years as neither the Sioux nor Ponca gave up their land holdings and the government took a passive stance.

Finally, in 1873, the Ponca, in a desperate attempt to escape the violence and hardship, reached an agreement with their neighbors and relatives on the Omaha Reservation. With this agreement, Ponca submitted an official request to the government for permission to move to the Omaha Reservation. There the Ponca were to live on a section of land, sold to them by the Omaha tribe.⁴⁶ This arrangement seemed to be a sensible fix to a major problem created by the government; however, numerous Nebraska State Senators played a role in disallowing the plan, as they did not wish to have more Native Americans move to the Omaha area.⁴⁷

Although the move to the Omaha Reservation was out of the question for the Ponca, their fortunes seemed to turn by virtue of another major American event. The Sioux, weeks before had defeated Lieutenant Colonel George Armstrong Custer at the Battle of Little Bighorn. Even though the Sioux won this battle, it made them realize the need for ethnic unity to face the threats white America posed. As a result, tribal leaders from the Ponca and Sioux entered into a treaty of peace in July of 1876.⁴⁸ The Ponca no longer had to leave their ancestral homeland and could now live without the fear of violence at the hands of the Sioux. This agreement made Ponca removal unnecessary from a safety perspective.

The government, however, was ill-equipped and uninterested in accounting for the Poncas' change in circumstance. The decision had already been made to move the small tribe south into the Indian Territory. The government used a two-fold explanation to justify Ponca removal. First, the smaller tribe was at risk of being destroyed by the Sioux as the government did not consider the newly signed peace treaty between the two tribes binding. Second, according to government records, the Ponca had requested to leave their current reservation. Again, the

government ignored important information such as the relationship between the Ponca and Omaha.⁴⁹ In addition, the original reasoning for the transfer request—Sioux violence—was now a non-factor. Seven weeks after the Battle of Little Bighorn, President Ulysses S. Grant authorized the relocation of the Ponca tribe. In his authorization, it clearly stated that the Ponca must fully consent to this move.⁵⁰

The Removal

On January 26, 1877, Inspector Edward C. Kemble arrived at the Ponca Reservation. He was tasked with negotiating the removal of the Ponca tribe to the Indian Territory.⁵¹ Not surprisingly, the Ponca chiefs refused to discuss the possibility. Inspector Kemble continued on unphased as he framed the Indian Territory as an upgrade compared to the Poncas' current living situation. Eventually, after weeks of discussion, Inspector Kemble was able to convince the Ponca leadership to accompany him down to the Indian Territory, with the purpose of viewing and inspecting possible reservation sites.⁵² The trip was presented to the chiefs as a choice, if the land down south did not meet their standards, there was no obligation to choose a site.⁵³

With this promise, the Chiefs made their way to the Indian Territory with Inspector Kemble on February 2, 1877.⁵⁴ Once there, the Chiefs inspected the land and conditions of fellow Native Americans, such as their relatives the Osage tribe.⁵⁵ The Chiefs concluded that the land was too dry and rocky, the climate too warm, and the conditions of their relatives looked unbearable.⁵⁶ They decided to decline any land in the Indian Territory and to return home to the Ponca Reservation.

This decision was unacceptable to Inspector Kemble. The chiefs needed to choose a new reservation site, or they would be left to fend for themselves in this unfamiliar land. Despite this threat, the Chiefs stood strong and again refused to accept any land. Inspector Kemble followed

through on his threat; he left eight of the ten chiefs in the Indian Territory with no money, food, or transportation.⁵⁷ With no other choice, the Ponca Chiefs turned north and began their journey home in the middle of winter. This journey took for fifty-five days to reach the Omaha Reservation.⁵⁸ Dried corn stalks made up a majority of their diet as little other food was available.⁵⁹ During the best nights, the men found hay piles to sleep in.⁶⁰

On March 27, Commissioner of Indian Affairs Hayt sent a telegram to Inspector Kemble, inquiring whether or not consent had been given by the Ponca.⁶¹ Without this consent, the process of Ponca removal could not take place. On that same day, Kemble responded that he had received lawful consent from Ponca leaders. In reality, only the two elderly and blind Chiefs that he had taken with him from the Indian Territory had agreed to be moved.⁶² The other Chiefs had not yet made it back to the Ponca Reservation.

When they did finally return home, the Chiefs were met with startling news. All 752 Ponca were to be removed and taken to the Indian Territory.⁶³ This order was to be carried out by any means necessary. Again, the Ponca refused but, on April, 1877, the first thirty of sixty armed soldiers reached the reservation.⁶⁴

This show of force intimidated many of the Ponca, especially those referred to at the time as half-bloods—those of mixed ancestry (having both European and Native American heritage). On April 16th, 170 Ponca, all of mixed ancestry, agreed to go south.⁶⁵ Their journey started that same day, at first being led by Agent Lawrence.⁶⁶ During this same period, Inspector Kemble was removed from his role managing the entire Ponca tribe.⁶⁷ Instead he traveled to Columbus, Nebraska where he began guiding the mixed ancestry Ponca.⁶⁸

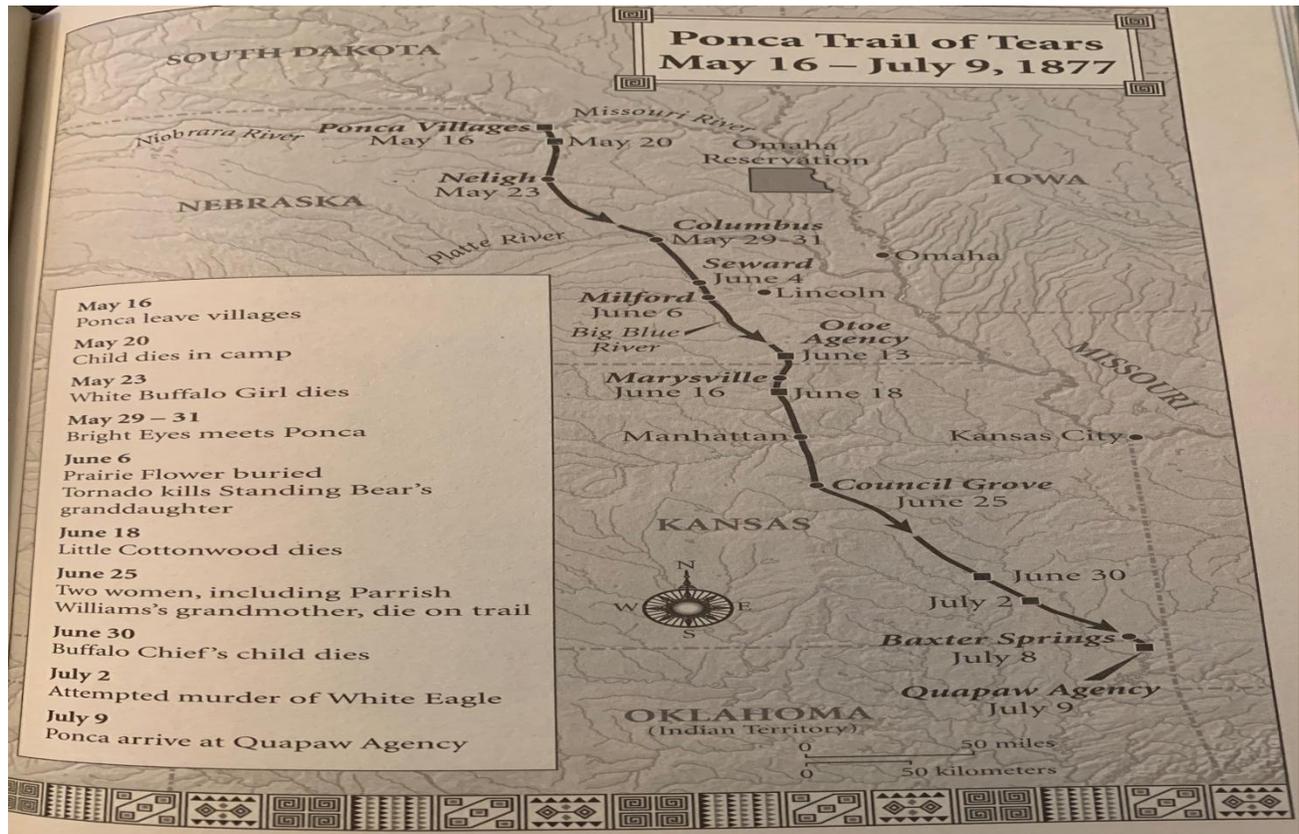
Before he left, Inspector Kemble cut off the rest of the tribe from all food rations, essentially starving them into submission.⁶⁹ This strategy, coupled with the arrival of more

troops and the implementation of a more aggressive management style, broke the full-blood Ponca. Armed soldiers instructed the Ponca to collect all their personal belongings and report to the agency building.⁷⁰ Once at the agency building, each tribal members' personal belongings were confiscated and put into a large barn-like building. Once full, this building was locked. These items were supposed to meet the Ponca at their new reservation, but it is now known that these items were never seen or documented again.⁷¹ Most likely, these items were stolen by government officials.

In total, the Ponca lost a recorded 236 houses. They also were forced to leave behind a church, school, sawmill, and a flourmill. A large amount of personal property, including livestock and modern building and farming tools were also confiscated.⁷² Due to the lack of proper documentation, the quantity and value of these goods is lost to history. No doubt this lack of record keeping was intentional as to make the items untraceable. These losses were later acknowledged by investigative committees.

All of this was done to facilitate the accelerated removal of the Ponca. On May 16, 1877, the remaining Ponca were forced at gunpoint to begin their journey south.⁷³ In total, 530 Ponca were removed during this second and final round of removal.⁷⁴ Ironically, on the first day of travel, several of the soldiers were swept downstream by the Niobrara's strong current and Ponca prisoners rescued them.⁷⁵

Although steamship was a transportation option, the authorities in charge forced the Ponca to travel by foot.⁷⁶ This decision proved to be fatal, as nine Ponca passed away during the march.⁷⁷ Along the way, the caravan experienced several severe storms, two tornados, numerous floods, and food shortages.⁷⁸ Slowed by these events, it took the group fifty-five days to reach the Indian Territory.⁷⁹



(Source: I AM A Man by Joe Starita)

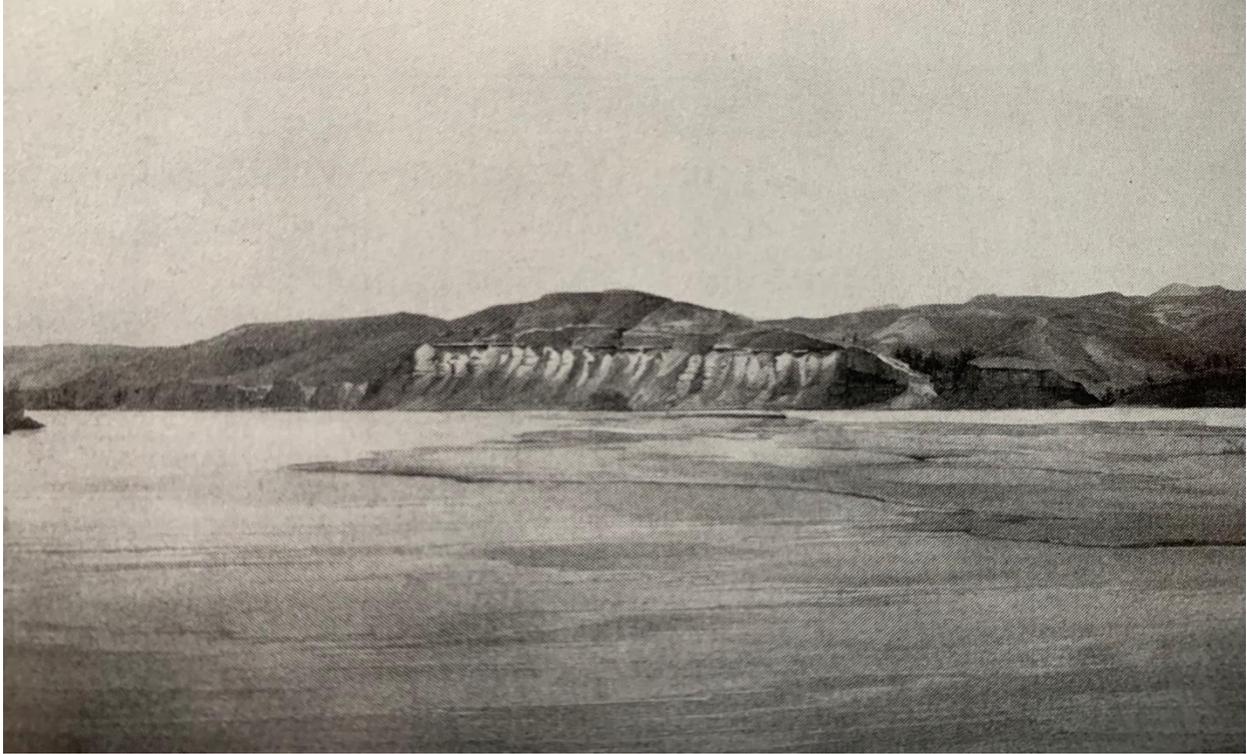
Once there, the government again showed how ill-equipped and unprepared it was in regard to Ponca management. No land had been assigned for a new Ponca Reservation. Instead, the Ponca were forced to set up on the reservation of the Quapaw tribe. This was done without the consent or knowledge of the Quapaw.⁸⁰ At this time, over 73,000 Native Americans from thirty-two different tribes were clustered together on just 58,000 square miles.⁸¹

Eventually, the Ponca Chiefs were granted a counsel in front of the President of the United States. After hearing about their ordeal, the Chiefs were allowed to choose any land within the Indian Territory to establish their new reservation. After inspection, the Ponca chose an area where the Salt Fork River and Arkansas River met.⁸² In July 1878, the Ponca were allowed to move to this new area.⁸³ During this same time period, the Sioux decided to leave the

Ponca homeland as they preferred the Black Hills area. As of July 1878, the former Ponca Reservation sat empty.⁸⁴

Despite this fact, the Ponca were not permitted to return home. Instead they were forced to build a new life in the Indian Territory. During the following two years, 158 Ponca out of the original 710 passed away due to disease.⁸⁵ Roughly 22 percent of the tribe died as the Ponca attempted to adapt to their new environment.

Standing Bear's son, Bear Shield, numbered among the deceased. As he died, Bear Shield asked his father to bury him in the land of his ancestors. If he was not buried in the Niobrara River Valley, Bear Shield believed that he was destined to walk alone in the afterlife. This was a common belief held by most Ponca, including Standing Bear.⁸⁶ Combined with a father's love, this experience drove Standing Bear in his quest to return home. As Standing Bear looked around, he saw no reason to stay. For two years, death had surrounded the tribe and the government had failed to deliver on promises of farming and housing materials. Now, he had promised his only son that he would be buried at Ma-az in his homeland.⁸⁷ Regardless of the conditions, Standing Bear made the decision to leave the reservation.



(Ponca burial site in ancestral homeland) (Source: I AM A MAN by Joe Starita)

Standing Bear's Journey Home

On January 20, 1879, Standing Bear, along with twenty-nine other members of his clan left the Indian Territory reservation and began their walk home.⁸⁸ Standing Bear was fifty years old as he started his second journey back to Nebraska.⁸⁹ Traveling through the winter weather, the group had very little food and inadequate clothing. It took them sixty-two days to reach the Omaha Reservation in Nebraska.⁹⁰

As they rested, these Ponca prepared to push on to their former reservation once the weather became warmer. However, on March 27, 1879, Brigadier General George Crook arrived with orders to arrest the Ponca living on the Omaha Reservation.⁹¹ General Crook was a graduate of West Point Military Academy and later served during the American Civil War.⁹² After the war, Crook turned his attention to the American frontier, where he quickly gained a reputation as

an extremely effective “Indian fighter.”⁹³ He was also considered to be a man of morals above all else. This side of him had become worn down as he observed years of Native American mistreatment by the government.⁹⁴

Despite this sympathetic feeling, General Crook followed his orders. He arrested the Ponca group and escorted them to Fort Omaha. After the arrest on March 30, the General made his way into the city of Omaha. There he found Thomas Tibbles, who was a reporter and the interim editor of the *Omaha Daily Herald*.⁹⁵ In Tibbles’ office, General Crook proceeded to tell the Ponca story. Moved by their situation, Tibbles agreed to take their cause. The next day, Tibbles made the four mile walk out to Fort Omaha in an attempt to interview Standing Bear. At first, Standing Bear refused to speak, for fear of worsening the situation. Standing Bear finally relented when it was revealed that Thomas Tibbles was one of only two white men to be initiated into the Soldier Lodge Society.⁹⁶

After a long conversation, they formulated a plan to free the Ponca and establish their rights. To do so, Tibbles and Standing Bear had to wander into unchartered territory. This group of thirty Ponca became the first Native Americans to sue the federal government with Standing Bear assuming the role as lead plaintiff. At his own suggestion, General Crook was brought forth as the defendant.⁹⁷

Standing Bear v. Crook

Standing Bear v. Crook was an immensely complicated court case for two reasons. First, Standing Bear and the other twenty-nine Ponca were the first Native Americans to sue the government. Subsequently, this case made legal history, as it set precedents for cases to follow. Therefore, proceedings and allowances were argued every step of the way. Second, unlike a typical court case where there is normally one matter to address, *Standing Bear v Crook*

contained seven primary and secondary issues. These matters had to be addressed one by one. Each issue was closely related and crucial for the allowance of the next issue.

As a result of this complexity, this section will be broken down into five sub-sections. The first section will submit important information pertaining to the legal participants of the case. These individuals influenced and decided *Standing Bear v. Crook*, therefore their backgrounds are important. Second, the seven primary and secondary arguments will be identified, and will be listed in the order they were argued. It is important to note that, to achieve total victory, the plaintiff had to successfully argue each matter. In contrast, the defense only had to disprove one of the seven matters in order to have the case dismissed.

The arguments of the plaintiff and defense will be the subjects of subsections three and four. Judge Dundy's rulings and reasonings are outlined in subsection five. Subsection five also analyzes the basis of these rulings focusing on whether they were decided on an emotional or legal basis. It identifies if the ruling applied to the Native American population as a whole or strictly to the thirty Ponca represented in the case.

Background on the Legal Representatives and Case

This case was the first of its kind; therefore, it needed extremely capable lawyers to establish new legal ground in favor of Standing Bear. Fortunately, Standing Bear was blessed with an exceptional two-man legal team put together by Thomas Tibbles. Tibbles' first point of contact was John L. Webster, a lawyer from Omaha. Over his career, Webster earned an impressive reputation and became president of Nebraska's constitutional convention.⁹⁸

Despite this accolade, Webster only agreed to the case if he was joined by Andrew Poppleton, also of Omaha. Poppleton was Omaha's first-ever lawyer. He had served as President

of the Nebraska Bar Association and was a former mayor of Omaha.⁹⁹ During this time, Poppleton was serving in the role of general counsel for the Union Pacific Railroad.¹⁰⁰

Thomas Tibbles did not pause after his successful recruitment of two outstanding lawyers. He knew that in order to win, a sympathetic and principled judge had to preside over the case. With these two criteria in mind, Tibbles settled on the first ever district judge in Nebraska, Judge Elmer Dundy.¹⁰¹ At the time of this case, Judge Dundy had been a federal judge for fifteen years.¹⁰² Once located, Judge Dundy willingly returned home from his bear hunting expedition to hear the case.¹⁰³

Newly appointed District Attorney Genio Madison Lambertson represented General Crook and the defense.¹⁰⁴ *Standing Bear v. Crook* was Lambertson's first court case in his new role as district attorney.¹⁰⁵ With the legal representatives in place, *Standing Bear v. Crook* was set to be heard in Omaha, Nebraska.¹⁰⁶ Court proceedings began on May 30, 1879. This extremely complex case was argued and adjourned in just two days.¹⁰⁷

Overview of Issues Argued by Both Parties

As with any court case, there are issues that are the main focus for both the plaintiff and defense. From these arguments a decision by the court can be rendered. In order to present the case in its entirety, this portion has been separated into four different sections. Section one explains the core issues of *Standing Bear v. Crook*. To settle *Standing Bear v. Crook*, these are the issues that must be decided. Section two outlines the arguments presented by Standing Bear's legal team. Section three outlines the arguments presented by District Attorney Genio Madison Lambertson, while section four outlines the rulings given by Federal Judge Elmer Dundy.

Section One: The Core Issues

Primary issue one that needed to be decided from the outset was whether this case fell under Judge Dundy's jurisdiction considering the unique nature of the situation. If the outcome ruled in favor of plaintiff, the case could proceed with Judge Dundy residing. However, if it was ruled in favor of defendant, Judge Dundy would have to be replaced in order for the case to be heard. Considering another judge was unlikely to accept the case, this would have effectively ended the lawsuit.

The second primary issue was, "Do Indians fit into the category of human?" If the judge ruled in favor of plaintiff, the case could proceed, but if he ruled in favor of defendant, then Standing Bear would not have been allowed to file a lawsuit, therefore dismissing the case. The third primary issue was, if "Indians" were in fact human, are they also entitled to habeas corpus? If the judge ruled in favor of plaintiff, then Standing Bear had a legal right to bring a suit against the government. However, if he ruled in favor of defendant, then Standing Bear would have been denied the right to sue the government and the case would have been dismissed.

The fourth primary issue was even more complex, as it also related to two secondary issues that had to be proven before accepting the main issue. It asked, does the 14th Amendment apply to Native Americans? If the judge ruled in favor of plaintiff, Standing Bear and his group would have been considered citizens and therefore were entitled to all rights of an American citizen. However, if the ruling came down that the 14th Amendment did not apply to Standing Bear and his group, they would have been considered wards of the federal government and would have retained a relationship similar to that of a child and parent. As a result, the government would have reserved the right to move and manage Native Americans as it saw fit and Standing Bear would have had to right to sue.

The secondary issues complicated this decision even more, as the added additional hurdles to be passed. The first one asked if Standing Bear and his group adequately dissolved all tribal ties. If the ruling was in favor of plaintiff it meant that one of two necessary standards have been met in order for the 14th Amendment to be applicable. A ruling in favor of defendant meant the 14th Amendment could not apply to these Native Americans and would have resulted in a case dismissal. The other secondary issue questioned was whether Standing Bear and his group were capable of living a civilized lifestyle, independent of government assistance. A ruling in favor of plaintiff was also necessary standards have been met in order for the 14th Amendment to be applicable. If the judge ruled in favor of defendant, the 14th Amendment would not have applied to these Native Americans. Therefore, there would have been no grounds for a lawsuit.

The fifth primary issue (which would only be posed if the first four were answered in Standing Bear's favor) was whether Standing Bear and his group were arrested and held illegally by General Crook. If the judge ruled in favor of plaintiff, the prisoners—the thirty Ponca—had to be released from custody immediately. If ruled in favor of defendant, then the prisoners would remain in custody.

Arguments Presented by the Plaintiff Regarding Each Issue

Primary Issue One: The plaintiff's argued that Judge Dundy is a federal judge qualified and experienced enough to hear the case. With fifteen years of federal experience, this case being the first of its kind is not grounds enough to remove him or throw the case out.

Primary Issue Two: Webster and Poppleton argued that by any definition, Native Americans are humans. Even those Native Americans considered to be uncivilized are human beings. Common sense, decency, and logic are all that is required to come to this conclusion.

Primary Issue Three: The plaintiffs' lawyers noted that immigrants and foreign citizens receive the right of habeas corpus in the United States. Therefore, citizenship is not a requirement for habeas corpus, and Native Americans are entitled to this legal tool as well.

Primary Issue Four: To deal with the fourth primary issue, Webster and Poppleton researched the 1870 Senate report, which noted that the 14th Amendment can be applied to the Native American population, if the Native Americans in question have dissolved all tribal relations and have demonstrated an ability to live a civil lifestyle without government assistance. If those two criteria are met and the Native American was born in the United States, then that Native American is a citizen.¹⁰⁸ With this evidence in hand, Standing Bear's lawyers set out to prove that the group of thirty Ponca met the required criteria. To respond to the first secondary issue, Standing Bear's team noted that he and the other twenty-nine Ponca had done everything possible to separate themselves from the larger Ponca tribe. The simple act of leaving the reservation in order to start a new life somewhere else signified the dissolution of tribal ties. They reported that Standing Bear no longer considered himself a leader. Instead, he considered himself equal to every other member.¹⁰⁹ Therefore, criteria one is met by all thirty members. To deal with the other secondary, Poppleton and Webster relied heavily on evidence that the Ponca had been successfully and willfully assimilated into white culture years before on the former Ponca Reservation. To them, Standing Bear and the Ponca had demonstrated a clear capability to live a civilized life, free of government existence. Furthermore, after reaching the Omaha Reservation in early January, the thirty Ponca had begun preparing for the upcoming

growing season. In the meantime, this group of Ponca had sustained themselves by acquiring employment as labor workers.¹¹⁰ Finally, this group of thirty Ponca had not been seeking any government assistance or involvement. On the contrary, they simply wanted to be left alone, free to live their lives.¹¹¹ From the plaintiffs' perspective, criteria two was also met.

Poppleton's and Webster's reliance on the Poncas' positive history to prove their case supports the notion that this case was individualized. Had different individuals taken the place of Standing Bear or the Ponca, this court case's outcome would likely have been different. Without evidence of peaceful or successful assimilation, the plaintiff's position weakens and fails to meet the necessary criteria needed for 14th Amendment protection. For instance, if the Sioux tribe had taken the Poncas' place, the case certainly gets dismissed due to their violent past and dependence on government rations.

Considering the legal strategy laid out by Poppleton and Webster, it was odd that Standing Bear arrived in court wearing traditional Native American clothing.¹¹² This appearance seems to go against the idea that Standing Bear had withdrawn from the Ponca tribe and accepted American culture. Accounting for this action and the subsequent results, it becomes increasingly obvious that Judge Dundy's rulings were made on a legal basis and not an emotional one. Poppleton and Webster were effective enough in detailing legal principles and how they applied to the Ponca situation to overcome Standing Bear's display.

Primary Issue Five: The plaintiffs' lawyers argued that due to the group's fulfillment of the 14th Amendment criteria outlined in the 1870 Senate Report, these thirty individuals qualified as United States citizens. Therefore, they had been arrested and detained illegally by General Crook. Standing Bear and his group should be released immediately.

Arguments Presented by the Defense Regarding Each Issue

Primary Issue One: D.A. Lambertson aimed to have the case dismissed over the very first issue, noting that Native Americans have always been considered wards of the federal government. As such, they have no legally clarified rights. He argued that Judge Dundy was not qualified to overturn United States policy as it pertained to Native American management. The status quo needed to be maintained.

Primary Issue Two: He argued that because of their uncivilized lifestyle, Native Americans were not to be considered human. Lambertson relied heavily on the Supreme Court's Dred Scott Decision. Essentially, Native Americans were to be considered property of the United States government.¹¹³ In rebuttal, Standing Bear's legal team argued that the ratification of the 14th Amendment rendered the Dred Scott decision obsolete. To this, Lambertson argued that the 14th Amendment only applied to freed African Americans, therefore the decision still applied to Native Americans rendering them property, not people.

Primary Issue Three: Again, Lambertson relied on the argument that Native Americans did not qualify as human beings. Therefore, they were not granted the right of habeas corpus or eligible to bring suit against the government. Due to this fact, the case must be dismissed.¹¹⁴

Primary Issue Four: The government's argument for this issue was two-fold. First, non-humans are not entitled to 14th Amendment rights or protections. However, if the court did rule that Native Americans were human, this particular group of thirty Ponca do not meet the criteria set out in the 1870 Senate report regarding 14th Amendment application. From the government's perspective on the first secondary issue, tribal affiliations are not dissolvable due to a Native Americans bloodline. Tribal affiliation is not a choice, it is permanent, rendering the 14th Amendment inapplicable.¹¹⁵ Finally, even if tribal affiliations are dissolvable, Standing Bear and

his group had not done so. Lambertson argued that Standing Bear was in charge of the other twenty-nine Ponca. By sustaining his role as Chief, Standing Bear and the others were still practicing tribal traditions.¹¹⁶ From the governments perspective the Native Americans were ineligible for 14th Amendment protection. To deal with the second secondary issue, Lambertson presented the position that Native Americans were incapable of survival without government assistance.¹¹⁷ This group had relied on government assistance to sustain them both on the old reservation as well as on the new. They have not proven themselves to be self-sustainable, civilized, or independent.

Primary Issue Five: Lamberston dealt with the last primary issue by stating the government was bound by treaty with the Omaha tribe to protect the Omaha Reservation from all other Native American groups or white settlers. The group of thirty Ponca had illegally trespassed onto Omaha land. Government officials fulfilled their duties and legally arrested the trespassers.¹¹⁸ Due to their legal arrest and status as wards of the government, the Ponca must be kept in custody.

After both parties finished presenting their arguments, Judge Dundy officially ended the trial but, before leaving, Judge Dundy allowed an unofficial presentation to take place. This unofficial portion of the trial was when Standing Bear made his famous speech regarding his humanity.¹¹⁹ By all accounts, the speech was moving and dignified. However, it is important to note that, at this time, the court case was officially over. Nothing Standing Bear said held enough power to alter the outcome of the case. Poppleton and Webster had argued his case, Standing Bear had to win through legal channels. Standing Bear had assisted his case by virtue of his lifestyle prior to his arrest. Nonetheless, his lawyers were the ones who intertwined his history with the law.

Judge Dundy's Rulings

On May 12, 1879, after ten days of case study and analysis, Judge Dundy presented his verdicts.¹²⁰ He rendered a verdict for each issue. Keenly aware of the circumstances and implications of the case, Judge Dundy deliberately stated that each ruling had been composed with legal backing.¹²¹ Emotion on its own did not hold up in the court of law. This statement leaves little room for interpretation. If Standing Bear won, his lawyers' ability to articulate legal reasoning was the catalyst.

Primary Issue One: On the first issue, Judge Dundy ruled in favor of the plaintiff. His position as a federal judge rendered him qualified to hear and rule on this matter. Judge Dundy reasoned that just because something had not been ruled on before does not mean it should not be ruled on now.¹²² This verdict was reached on a legal basis. Judge Dundy served fifteen years as a federal judge making him qualified to capably navigate and formulate new legal ground. This verdict applied to the entire Native American population. Judge Dundy emphasized that judges are allowed, by virtue of their position, to rule on cases even if they are being presented for the first time.

Primary Issue Two: Judge Dundy again ruled in favor of the plaintiff in regard to Native Americans qualifying as humans. For his reasoning, Judge Dundy simply referred to Webster's Dictionary and its definition of a human.¹²³ Although logically and reasonably unavoidable, this verdict may well have been influenced by Standing Bear's emotional appeal. There is no legal reasoning behind this decision, just an acknowledgment of fact as established by Webster's Dictionary. As a result of this verdict, Native Americans were now legally acknowledged by the law as human beings.

Primary Issue Three: Judge Dundy ruled in favor of Standing Bear and his legal team. According to established law, an individual does not have to be a citizen in order to secure habeas corpus. The individual must only qualify as being a person.¹²⁴ In accordance with verdict two, Standing Bear and all other Native Americans met that criteria. This verdict was reached after extensive case law study and analysis. The law's clear wording and intentions made the applicability to this case obvious. Poppleton and Webster proved successful in introducing the statute throughout the proceedings leading up to and during the court case. This verdict applied to the entire Native American population. As a result of verdict two, all Native Americans were to be considered human and therefore according to verdict three are entitled to habeas corpus.

Primary Issue Four: Judge Dundy presented three verdicts addressing this issue. First, Native Americans were capable of dissolving tribal ties. He ruled that it was no different than an immigrant adopting American culture.¹²⁵ Second, he found that Standing Bear and the other Ponca had done everything in their power to terminate tribal allegiances and embrace a more "civil" lifestyle.¹²⁶ As a consequence of the two previous verdicts, Standing Bear and his group were protected by the 14th Amendment. Hence the government retained no rights over these independent Native Americans.¹²⁷ He reached these verdicts thanks to Poppleton's and Webster's careful articulation of current United States law as it related to Standing Bear's situation. They dutifully researched and presented a plausible legal pathway to 14th Amendment protection for this group of Native Americans. Both lawyers were able to cultivate a convincing case that made clear that this group had met the necessary criteria outlined in the 1870 Senate report. The first verdict of issue four was applicable to the entire Native American population. It established the right of Native Americans to choose whether or not they affiliate with a tribe. The second and third verdict only applied to those Native Americans represented in the *Standing*

Bear v. Crook lawsuit. Whether or not a Native American had met the necessary criteria to qualify for the 14th Amendment had be decided on a case by case basis.

Primary Issue Five: During this portion of the reading, Judge Dundy delivered a split verdict. He ruled that the arrest of Standing Bear and the twenty-nine other Ponca was lawful. The government did, in fact, have a legal obligation to remove any individual not of Omaha tribe descent from the land. The offending individuals could then be charged with trespassing. However, military officials violated procedure by not immediately handing over these civilians to civilian law enforcement. As a result of this technicality, the thirty Ponca must be released.¹²⁸

This verdict was again made by legal reasoning. The military was required to protect the Omaha reservation from outsiders and was also required to hand over violators to civilian law enforcement. Both of these requirements were established in United States law. The procedural error resulting in the group's release only applied to this specific case. If these individuals or any other non-Indian individuals trespassed onto reservation land, they did so unlawfully.

Conclusion

As demonstrated by Judge Dundy's verdicts and explanations, John Webster and Andrew Poppleton rightfully deserved credit for the case's successful outcome. Due to their exceptional understanding of the law and logical analysis, new legal precedent was established in favor of Native Americans. Through their efforts, rational thinking had been given legal backbone. Native Americans were now officially recognized as human, habeas corpus was a tool available to them, and they retained the right to choose their affiliations. In addition, a clear pathway to citizenship and 14th Amendment protection was created. None of these things could have been accomplished or sustained through sheer emotion. That is why John Webster's and Andrew Poppleton's contributions to the Native American cause must be widely acknowledged.

In a time of injustice, Poppleton and Webster embodied integrity, sympathy, and legal intellect. While Standing Bear's life story and journey rightfully garnered most of the headlines, Poppleton and Webster should not be limited to the back pages. With assistance from other activists like Tibbles, these two lawyers forged a legal crusade that elevated Native Americans to their rightful place in the eyes of the law.

Without a doubt, Webster and Poppleton deserve high praise for their legal performance. That being said, it is also important to recognize this court case largely focused on, and was allowed to take place because of, the Ponca's reputation. Without their well-known history of peaceful progressiveness, the outcome would have likely been different.

In an ideal world, a member of the Sioux or any other tribe would have received the same legal treatment and verdict. However, in the reality of the times, these tribes were likely to be subjected to increased inequality and mistreatment. Thankfully for the Native American community, the individuals represented in this case were members of a tribe that developed strong allies and support. The Ponca tribe's history cannot be overlooked when analyzing *Standing Bear v. Crook*.

To reflect on the likely existence of untold Native American stories of similar circumstance to Standing Bear's could be cause for despair. These stories, though unrecorded and unknowable, undoubtedly existed. They were ignored and suppressed in their time, therefore, they were lost to history. There were no individuals such as Poppleton and Webster to shine light on dark injustice. While despair is present, thankfulness and gratitude also emerge. Both of these feelings are directed at Poppleton and Webster. As a result of their actions, at least one Native American's legacy was cemented into American history.

ENDNOTES

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- ¹ Raymond Wood, "Notes on Ponca Ethnohistory," *Oregon University*. 6, no.1 (1959): 2.
- ² Joe Starita, "*I Am A Man*": *Chief Standing Bear's Journey for Justice* (New York, New York: St. Martin's Press, 2009.), 14.
- ³ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 5.
- ⁴ Stephen Dando Collins, *Standing Bear is a Person: The True Story of a Native American's Quest for Justice*. (Cambridge, Massachusetts: Da Capo Press, 2004), 11.
- ⁵ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 6.
- ⁶ Stephen Dando Collins, *Standing Bear is a Person: The True Story of a Native American's Quest for Justice*. (Cambridge, Massachusetts: Da Capo Press, 2004), 11.
- ⁷ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 6.
- ⁸ Joe Starita, "*I Am A Man*": *Chief Standing Bear's Journey for Justice* (New York, New York: St. Martin's Press, 2009.), 6.
- ⁹ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 6.
- ¹⁰ *Ibid.*, 6.
- ¹¹ *Ibid.*, 6.
- ¹² Joe Starita, "*I Am A Man*": *Chief Standing Bear's Journey for Justice* (New York, New York: St. Martin's Press, 2009.), 24.
- ¹³ *Ibid.*, 24.
- ¹⁴ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 7.
- ¹⁵ Joe Starita, "*I Am A Man*": *Chief Standing Bear's Journey for Justice* (New York, New York: St. Martin's Press, 2009.), 3.
- ¹⁶ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 7.
- ¹⁷ Joe Starita, "*I Am A Man*": *Chief Standing Bear's Journey for Justice* (New York, New York: St. Martin's Press, 2009.), 15.
- ¹⁸ Thomas Tibbles, *Standing Bear and the Ponca Chiefs* (Lincoln, Nebraska: University of Nebraska Press, 1995), 119.
- ¹⁹ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 11.
- ²⁰ Joe Starita, "*I Am A Man*": *Chief Standing Bear's Journey for Justice* (New York, New York: St. Martin's Press, 2009.), 51.
- ²¹ *Ibid.*
- ²² *Ibid.*
- ²³ Thomas Tibbles, *Standing Bear and the Ponca Chiefs* (Lincoln, Nebraska: University of Nebraska Press, 1995), 65.
- ²⁴ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), Timeline-2.
- ²⁵ *Ibid.*, 1.

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- ²⁶ Joe Starita, *“I Am A Man”*: *Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 18.
- ²⁷ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 8.
- ²⁸ Thomas Tibbles, *Standing Bear and the Ponca Chiefs* (Lincoln, Nebraska: University of Nebraska Press, 1995), 62.
- ²⁹ Joe Starita, *“I Am A Man”*: *Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 24.
- ³⁰ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 8.
- ³¹ Joe Starita, *“I Am A Man”*: *Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 25.
- ³² *Ibid.*, 25.
- ³³ Thomas Tibbles, *Standing Bear and the Ponca Chiefs* (Lincoln, Nebraska: University of Nebraska Press, 1995), 49.
- ³⁴ *Ibid.*, 48.
- ³⁵ Helen Jackson, *A Century of Dishonor* (Boston, Massachusetts: Little, Brown, and Company, 1909), 189.
- ³⁶ Joe Starita, *“I Am A Man”*: *Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 17.
- ³⁷ Helen Jackson, *A Century of Dishonor* (Boston, Massachusetts: Little, Brown, and Company, 1909), 189.
- ³⁸ *Ibid.*
- ³⁹ Thomas Tibbles, *Standing Bear and the Ponca Chiefs* (Lincoln, Nebraska: University of Nebraska Press, 1995), 102.
- ⁴⁰ *Ibid.*
- ⁴¹ Joe Starita, *“I Am A Man”*: *Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 32. The land given up by the Ponca was more accessible and desirable to white settlers. At the time of the treaty, the US government did not seem to value the 96,000 acres that were more westward.
- ⁴² Thomas Tibbles, *Standing Bear and the Ponca Chiefs* (Lincoln, Nebraska: University of Nebraska Press, 1995), 102.
- ⁴³ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 10.
- ⁴⁴ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 10.
- ⁴⁵ *Ibid.*, 11.
- ⁴⁶ *Ibid.*, 11.
- ⁴⁷ Joe Starita, *“I Am A Man”*: *Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 36.
- ⁴⁸ *Ibid.*, 38.
- ⁴⁹ Thomas Tibbles, *Standing Bear and the Ponca Chiefs* (Lincoln, Nebraska: University of Nebraska Press, 1995), 24.
- ⁵⁰ Joe Starita, *“I Am A Man”*: *Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 38.
- ⁵¹ *Ibid.*, 40.

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- ⁵² Thomas Tibbles, *Standing Bear and the Ponca Chiefs* (Lincoln, Nebraska: University of Nebraska Press, 1995), 8.
- ⁵³ Ibid.
- ⁵⁴ Stephen Dando Collins, *Standing Bear is a Person: The True Story of a Native American's Quest for Justice*. (Cambridge, Massachusetts: Da Capo Press, 2004), 17.
- ⁵⁵ Ibid., 18-19.
- ⁵⁶ Ibid.
- ⁵⁷ Helen Jackson, *A Century of Dishonor* (Boston, Massachusetts: Little, Brown, and Company, 1909), 200-202
- ⁵⁸ Thomas Tibbles, *Standing Bear and the Ponca Chiefs* (Lincoln, Nebraska: University of Nebraska Press, 1995), 8-9.
- ⁵⁹ Ibid.
- ⁶⁰ Ibid.
- ⁶¹ Joe Starita, "*I Am A Man*": *Chief Standing Bear's Journey for Justice* (New York, New York: St. Martin's Press, 2009.), 53.
- ⁶² Ibid.
- ⁶³ Stephen Dando Collins, *Standing Bear is a Person: The True Story of a Native American's Quest for Justice*. (Cambridge, Massachusetts: Da Capo Press, 2004), 15.
- ⁶⁴ Joe Starita, "*I Am A Man*": *Chief Standing Bear's Journey for Justice* (New York, New York: St. Martin's Press, 2009.), 55.
- ⁶⁵ Ibid., 57.
- ⁶⁶ Stephen Dando Collins, *Standing Bear is a Person: The True Story of a Native American's Quest for Justice*. (Cambridge, Massachusetts: Da Capo Press, 2004), 30.
- ⁶⁷ Helen Jackson, *A Century of Dishonor* (Boston, Massachusetts: Little, Brown, and Company, 1909), 207.
- ⁶⁸ Stephen Dando Collins, *Standing Bear is a Person: The True Story of a Native American's Quest for Justice*. (Cambridge, Massachusetts: Da Capo Press, 2004), 31.
- ⁶⁹ Joe Starita, "*I Am A Man*": *Chief Standing Bear's Journey for Justice* (New York, New York: St. Martin's Press, 2009.), 57.
- ⁷⁰ Thomas Tibbles, *Standing Bear and the Ponca Chiefs* (Lincoln, Nebraska: University of Nebraska Press, 1995), 13.
- ⁷¹ Ibid.
- ⁷² Joe Starita, "*I Am A Man*": *Chief Standing Bear's Journey for Justice* (New York, New York: St. Martin's Press, 2009.),66.
- ⁷³ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 17.
- ⁷⁴ Joe Starita, "*I Am A Man*": *Chief Standing Bear's Journey for Justice* (New York, New York: St. Martin's Press, 2009.),69.
- ⁷⁵ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 18.
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- ⁷⁷ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 18.
- ⁷⁸ Joe Starita, "*I Am A Man*": *Chief Standing Bear's Journey for Justice* (New York, New York: St. Martin's Press, 2009.),76.

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- ⁷⁹ Ibid.
- ⁸⁰ Ibid., 88.
- ⁸¹ Ibid., 87.
- ⁸² Ibid., 96.
- ⁸³ Ibid.
- ⁸⁴ Ibid.
- ⁸⁵ Thomas Tibbles, *Standing Bear and the Ponca Chiefs* (Lincoln, Nebraska: University of Nebraska Press, 1995), 104.
- ⁸⁶ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 20.
- ⁸⁷ Joe Starita, *“I Am A Man”: Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 106.
- ⁸⁸ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 20.
- ⁸⁹ Matthew Spencer, “Ponca Tribe’s Journey Across Bridges to Standing Bear,” *Nebraska Life* vol.17. Issue 3. 2013, 2.
- ⁹⁰ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 20.
- ⁹¹ Ibid., 22.
- ⁹² David Bristow, “The Trial of Standing Bear,” *Nebraska Life*, July/August 2005, 2.
- ⁹³ Joe Starita, *“I Am A Man”: Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 118.
- ⁹⁴ Ibid.
- ⁹⁵ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 23.
- ⁹⁶ Joe Starita, *“I Am A Man”: Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 114. This was a Native American society; the initiation was known as the Sun Dance, during which men proved their bravery by dancing in a circle while looking at the sun with no food or water for four days.
- ⁹⁷ Ibid.,130.
- ⁹⁸ Thomas Tibbles, *Standing Bear and the Ponca Chiefs* (Lincoln, Nebraska: University of Nebraska Press, 1995), 34.
- ⁹⁹ Joe Starita, *“I Am A Man”: Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 125.
- ¹⁰⁰ Ibid.
- ¹⁰¹ Ibid.
- ¹⁰² Stephen Dando Collins, *Standing Bear is a Person: The True Story of a Native American’s Quest for Justice*. (Cambridge, Massachusetts: Da Capo Press, 2004), 87.
- ¹⁰³ Joe Starita, *“I Am A Man”: Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 125.
- ¹⁰⁴ Thomas Tibbles, *Standing Bear and the Ponca Chiefs* (Lincoln, Nebraska: University of Nebraska Press, 1995), 92.
- ¹⁰⁵ Joe Starita, *“I Am A Man”: Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 139.
- ¹⁰⁶ Ibid.

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- ¹⁰⁷ Thomas Tibbles, *Standing Bear and the Ponca Chiefs* (Lincoln, Nebraska: University of Nebraska Press, 1995), 66.
- ¹⁰⁸ Joe Starita, “*I Am A Man*”: *Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 144.
- ¹⁰⁹ *Ibid.*, 127.
- ¹¹⁰ *Ibid.*
- ¹¹¹ *Ibid.*
- ¹¹² *Ibid.*, 138.
- ¹¹³ *Ibid.*, 145.
- ¹¹⁴ *Ibid.*
- ¹¹⁵ Stephen Dando Collins, *Standing Bear is a Person: The True Story of a Native American’s Quest for Justice*. (Cambridge, Massachusetts: Da Capo Press, 2004), 118.
- ¹¹⁶ Joe Starita, “*I Am A Man*”: *Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 137.
- ¹¹⁷ Stephen Dando Collins, *Standing Bear is a Person: The True Story of a Native American’s Quest for Justice*. (Cambridge, Massachusetts: Da Capo Press, 2004), 90.
- ¹¹⁸ *Ibid.*, 118.
- ¹¹⁹ Joe Starita, “*I Am A Man*”: *Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 150-151.
- ¹²⁰ Virginia Driving Hawk Sneve, *Standing Bear of the Ponca* (Lincoln, Nebraska: University of Nebraska Press, 2013), 28.
- ¹²¹ Joe Starita, “*I Am A Man*”: *Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 154.
- ¹²² *Ibid.*, 156.
- ¹²³ *Ibid.*
- ¹²⁴ Stephen Dando Collins, *Standing Bear is a Person: The True Story of a Native American’s Quest for Justice*. (Cambridge, Massachusetts: Da Capo Press, 2004), 134.
- ¹²⁵ *Ibid.*, 135.
- ¹²⁶ Joe Starita, “*I Am A Man*”: *Chief Standing Bear’s Journey for Justice* (New York, New York: St. Martin’s Press, 2009.), 156.
- ¹²⁷ *Ibid.*
- ¹²⁸ Stephen Dando Collins, *Standing Bear is a Person: The True Story of a Native American’s Quest for Justice*. (Cambridge, Massachusetts: Da Capo Press, 2004), 90.