

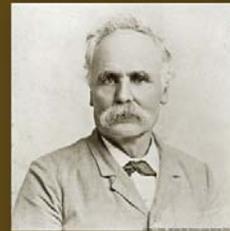
United States ex rel. Standing Bear v. Crook



Chief Standing Bear



General George Crook



Thomas Henry Tibbles



Susette "Bright Eyes" LaFlesche Tibbles

Standing Bear was the chief of the Ponca, a small, peaceful tribe that lived near the Niobrara River in what is now northeastern Nebraska.

The United States negotiated several treaties with the Ponca between 1817 and 1865. The 1865 treaty settled the Ponca on land south of the Niobrara River and Ponca Creek. In 1868, however, the United States signed the Fort Laramie Treaty with several bands of Sioux. The treaty gave the Sioux land that included parts of the Ponca's 1865 treaty land, including the Ponca's 96,000 acre reservation, located in the present day Nebraska counties of Knox and Boyd.

In 1877, over Standing Bear's objections, the United States government ordered the Ponca moved to Indian Territory in Oklahoma. The tribe was forced to leave behind nearly everything they owned, including their farm equipment, livestock, and household goods. The journey, the "Ponca Trail of Tears" was terrible. Among the people who died was Standing Bear's daughter, Prairie Flower.

The land in Oklahoma where the Ponca were forced to settle was inhospitable. Many died of starvation, disease, and exposure. Standing Bear requested permission to return to his old reservation, but was denied. All but one of Standing Bear's children died during the Ponca's second winter in Indian Territory.

In January 1879, Standing Bear decided that his people could not endure life in the harsh Indian Territory. Although they did not have permission to leave Indian Territory, Standing Bear, his wife and child, and several other families, started north. By March, the starving band reached the Omaha Reservation. The Omaha took in the travelers, giving them food, shelter, and land for planting.

The government ordered General George Crook to return the band to Indian Territory. His men arrested the Ponca on March 27, 1879, and brought them to Fort Omaha. General Crook sympathized with Standing Bear, believing the Ponca had been treated unfairly, so he ordered the Ponca detained until they were well enough to travel. The assistant editor of the Omaha Daily Herald, Thomas Henry Tibbles, learned of the situation, and soon articles about Standing Bear's plight appeared in newspapers around the country. Local churches also took up Standing Bear's cause.

Two prominent Omaha lawyers, John Lee Webster and A.J. Poppleton (the chief attorney for the Union Pacific Railroad), volunteered to represent Standing Bear and the Ponca without a fee. They filed suit in the United States District Court for the District of Nebraska against the United States on April 8, 1879, seeking a writ of habeas corpus. G.M. Lambertson represented the United States.

At the close of the two-day trial, Standing Bear addressed the court through an interpreter, Susette ("Bright Eyes") LaFlesche of the Omaha Tribe. Spectators greeted his eloquent speech about his people's unfair treatment with applause.

United States District Judge Elmer Dundy found that an Indian was a person within the meaning of the law and had a right to seek a writ of habeas corpus. He ruled that the government could remove the Ponca from the Omaha reservation, but it could not force Standing Bear and his followers to return to Indian Territory. He ordered them released.

As a result of Standing Bear's continued intercession, the government eventually gave the Ponca who remained in Indian Territory better land and compensated those who had lost their property. The government allowed Standing Bear and his followers to return to their old reservation, where Standing Bear died in 1908.

