THE NEBRASKA STATE BAR FOUNDATION

AND

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNVEILING CEREMONY
OF THE STANDING BEAR BUST

SEPTEMBER 16, 2011

3:30 P.M.

ROMAN L. HRUSKA U.S. COURTHOUSE
SPECIAL PROCEEDINGS COURTROOM
OMAHA, NEBRASKA

CHIEF JUDGE JOSEPH BATAILLON: Please be seated, everyone.

Well, we're very pleased and honored to have all of you here today. I would like to make a few introductions and then we will get on with the program.

First of all, in the jury box, where they belong because they're all fact finders, except for the circuit court judges, of course:

The Honorable William Jay Riley. If you'd stand, Judge Riley. Judge Riley's the Chief Judge of the Eighth Circuit Court of Appeals and sits on the United States Conference, the Judicial Conference. Judge Riley.

Judge C. Arlen Beam with the Eighth Circuit Court of Appeals. Judge Beam. Judge Beam was the Chair of the Security Committee many years ago -- not that many years ago, but a few -- and I was on the Security Committee and I kind of took his place as Chair of the Space and Facilities Committee and Judge Beam has always kept me in line.

Judge Richard Kopf, former Chief Judge and soon-to-be Senior Judge of the United States District Court for the District of Nebraska.

And our soon-to-be new Chief Judge, Laurie Smith Camp.

And the Honorable John Gerrard. Judge Gerrard is a Justice of the Nebraska Supreme Court and, hopefully, will be our new United States District Court Judge. He was nominated by the

President and has a hearing before the Senate Judiciary Committee, I understand, scheduled. So we're all pulling for you, Justice Gerrard.

The Honorable Ken Stephan. Justice Stephan is with the Nebraska Supreme Court.

The Honorable Cloyd Clark. Judge Clark. Judge Clark retired in 2007. And he was a District Judge --

JUDGE CLARK: County.

CHIEF JUDGE BATAILLON: -- or County Judge in McCook, Nebraska.

And then let's see here. The Honorable John Steinheider. Judge Steinheider is from Nebraska City, my old hometown. Home of Arbor Day, right?

JUDGE STEINHEIDER: That's right.

CHIEF JUDGE BATAILLON: Very good. And Judge Steinheider had the unfortunate occasion to have cases with me and he has never held it against me. Thank you very much.

From Congressman Lee Terry's office we have Felicia Rogers, who is the Outreach Director. Felicia, thank you for coming.

And then Alex Straatmann is Counsel for United States Congressman Adrian Smith. Thank you for coming.

I also notice in the back are the United States Attorney for the District of Nebraska, Deb Gilg; and her Deputy Chief, Rob Stuart. Rob. Thank you very much.

Now let's talk about the folks in the front row.

Kile Johnson. Mr. Johnson is currently serving as President of the Nebraska Bar Foundation. He practices law in Lincoln and graduated from the University of Nebraska College of Law. And to you we owe a great deal of debt because none of this would be possible without your efforts and the Foundation's effort.

Bob Bartle, President. Mr. President, for the Nebraska State Bar Association. Bob is a lawyer in Lincoln and graduated from the University of Nebraska College of Law.

Charlie Wright. Charlie is a retired Lincoln lawyer. He worked at Cline Williams. And he and his wife, Suzy, established the Standing Bear Scholarship Fund at the Bar Foundation to financially assist Native Americans attending the University of Nebraska College of Law. Currently the Fund is assisting a Native American student through the law school, at the College of Law.

Next to him is our featured speaker, Joe Starita. And Professor Starita will be introduced with a little bit more grandeur later on in the program.

In the well of the courtroom, we have some distinguished guests:

Harley Upton from Omaha. Mr. Upton -- if you'd stand up, Mr. Upton -- grew up on the San Carolos Apache Reservation. He served in the Marine Corps and returned to be near his father's side, who are Northern Ponca. Thank you very much. Currently

Harley and his wife, Talia, live at Boys Town where he is one of the Family Teachers.

Rebecca White. Rebecca is the Chairwoman of the Ponca Tribe of Nebraska. She is also the Site Producer at TEK Industries. Previously she was President of the Ponca Economic Development Corporation and Project Director for the project's Community Development Financial Institute/Uniform Commercial Code. So thank you very much for attending.

William Wright. Mr. Wright is a council member for District 4. He was elected in 2008. His grandfather was Otto Birdhead and was the last chairman for the Ponca Tribe before the tribe ceased to exist, temporarily.

And Marguerite LeClair Madrigal is an Elder for the Ponca Tribe. Her grandfather, Jacob -- is it Peniska?

MS. LECLAIR MADRIGAL: My great-grandfather.

CHIEF JUDGE BATAILLON: Great-grandfather, Peniska?

MS. LECLAIR MADRIGAL: Yes.

CHIEF JUDGE BATAILLON: Her great-grandfather was a member of the United States Calvary at the time of removal of the Ponca Tribe to Oklahoma. And because of his membership in the Calvary, local citizens vouched for his character and he was not forced to move from Niobrara. Marguerite describes her ancestors as "men of integrity who had love of the land, country, and of people." Her great-grandfather's picture is displayed in the Smithsonian Institute.

Kathryn Albritton?

MS. ALBRITTON: Albritton, yes.

CHIEF JUDGE BATAILLON: Kathryn is Marguerite LeClair Madrigal's youngest sister. So she shares the same history.

And Nancy Belasquez is Kathryn's daughter and Marguerite's niece. Nice to have you here as well.

Judi gaiashkibos. Is Judi here?

MR. JOHNSON: She's ill.

CHIEF JUDGE BATAILLON: Oh, she's ill. I'm sorry to hear that. Judi has been very integral in the work that we've done over the years in our endeavors.

Well, we have academe here as well. And first, from the Creighton University School of Law, Dean Marianne Culhane. Dean Culhane received her law degree from the University of Iowa. None of us hold that against her because her husband was a classmate of mine and graduated from Creighton University. After serving as a law clerk for Judge Donald Lay of the Eighth Circuit Court of Appeals and practicing in Omaha, she joined the Creighton School of Law faculty in 1977 and became Dean last year. Thank you for coming, Dean.

And Dean Glenda Pierce, representing the Nebraska School of Law. Dean Pierce is the Associate Dean for the University of Nebraska School of Law. She joined the faculty in 1990 after practicing law here in Omaha. And she graduated from the University of Nebraska College of Law.

Mary Kathryn Nagle. Mary, please stand up. Mary Kathryn is a former law clerk of Judge Smith Camp and mine. She's currently working for a big-shot law firm in New York City, but we don't like to promote any private practices here so we're not going to name them. After she finished working for us, she clerked for the Honorable Judge Fortunato Benavides of the United States Court of Appeals for the Fifth Circuit in Austin, Texas.

Mary Kathryn has been very instrumental in this whole program. She wrote a play, *Waaxe's Law*, and has been hard at it. October 7th of this year, the Smithsonian National Museum of the American Indian in Washington, D.C. will be presenting "We Are a People: The Ponca Journey," and that will include a lecture series and will also include presentation of her play. Judge Smith Camp is going to Washington, D.C. to represent our court during that period and I think she's going to be involved in part of the program as well.

So we owe all of that to Mary Kathryn and her tireless endeavor to have Standing Bear recognized and the case itself.

Is Taylor Keen here? I didn't see -- oh, Taylor. Taylor, you know, if you want to, you can sit in the well of the courtroom.

MR. KEEN: That's all right.

CHIEF JUDGE BATAILLON: Okay. Taylor is the Director of the Native American Center at Creighton University. He

graduated with a Bachelor of Arts in English from Dartmouth. His MBA comes from Harvard. And he has an MPA from Harvard University Kennedy School of Government. He served as a Councilor for the Cherokee Nation and as President of the Board of Directors of the American Indian Chamber of Commerce in Oklahoma.

James LaPointe. Is James here?

MR. LaPOINTE: I am.

CHIEF JUDGE BATAILLON: James LaPointe is Vice Chairman of the Ponca Tribe. Pleased to have you here.

MR. LaPOINTE: Thank you.

CHIEF JUDGE BATAILLON: Brenda Bogacz. Is Brenda here? I don't see her.

Okay. And I don't see Fred LeRoy. Fred said that he might be coming.

All right. Now for some other very important people.

We have Associate Dean of Academic Programs at the University of Nebraska College of Nursing, Sarah Thompson. And Sarah just happens to be Mary Kathryn Nagle's mother.

And then my wife, Pamela.

And next to her then, Betty Beam, Judge Beam's wife.

I think that's everyone in the well of the courtroom.

We welcome all of you to this wonderful ceremony. This is indeed an honor for us as the District Court of the District of Nebraska for this unveiling of Standing Bear's bust and the

donation of the bust.

You know, it's been 132 years since United States District Court Judge Elmer Dundy decided that Standing Bear was a person, protected by the great Writ of Habeas Corpus.

No federal court prior to Judge Dundy's ruling recognized Native Americans as having standing before a court of the law and protected by the United States Constitution. Judge Dundy found that Chief Standing Bear and his band, his followers at that time, were held by the Army in violation of law. The government, he ruled, had the right to exclude Chief Standing Bear and his party from an Indian reservation to which they did not belong but did not have the right to force him to go someplace else and he ordered Chief Standing Bear and his members released from Army custody.

Judge Dundy's order was really only a partial and temporary remedy. A year later he did decide though that the government had improperly seized the Ponca territory of the Niobrara region. But even with this limited ruling, and I'm quoting Professor Starita's book, "it seemed the nation's judicial branch had now gotten far ahead of the other two." That was in 1879.

Now, some have accused my colleagues of resembling that remark. I am pleased to know that we are not the only federal judges in Nebraska history to have that aspersion cast upon us where we were "far ahead," quote/unquote, of the legislative and

executive branches. Like Judge Dundy, we like to think that we are correctly interpreting the law and sooner or later the executive and legislative branches will catch up.

Today I am pleased to accept this bust of Standing Bear on loan from the Nebraska Bar Foundation. It is a fitting tribute to Chief Standing Bear and the Ponca people. It is an honor for our court to display it.

At this time, we'll move along in the program. And we have an Honor Song that will be performed by Harley Upton from the Ponca Tribe.

Harley.

MR. UPTON: Can I have everyone stand, please.

(Mr. Upton performed the Honor Song.)

CHIEF JUDGE BATAILLON: At this time it is my distinct pleasure to introduce Professor Joe Starita.

Professor Starita teaches at the University of Nebraska's Lincoln College of Journalism and Mass Communications.

As many of you may know, on July 1st of this year, at the National Education Association annual Human and Civil Rights Awards dinner, Professor Starita was presented the Leo Reano Memorial Award. The award acknowledged Professor Starita's work toward the education and achievement of equal opportunity for American Indians.

Professor Starita wrote two books about Native Americans. One was *The Dull Knifes of Pine Ridge: A Lakota Odyssey*

published in 1995; and the other, *"I Am a Man": Chief Standing Bear's Journey for Justice*, published in 2008.

The Dull Knifes book garnered Professor Starita his second Pulitzer Prize nomination. His first Pulitzer Prize nomination was for his work for the *Miami Herald* in which he uncovered the use of impoverished, illiterate Haitians by a doctor and a lawyer to make bogus claims for personal injuries, in court, and proceeded to attempt to extort 8 to 10 million dollars from insurance carriers around the area.

He started his high-profile journalism career even before he graduated from the University of Nebraska at Lincoln. While a reporter for the *Daily Nebraskan*, he wrote about the Lincoln-based neo-Nazi Gerhard Lauck. He did such a thorough job in his reporting that ABC News asked him to help them find sources for their own national news story.

After graduation, he was hired by the *Miami Herald* and he worked as a reporter in Naples, Fort Lauderdale and then on the city desk in Miami. After four years in Miami, he was named as the *Herald's* New York bureau chief. Four years later he moved back to Miami to do investigative reporting, where he uncovered the fraud that we just talked about and did some reporting, in fact, on the Gary Hart/Donna Rice scandal.

Eventually, Professor Starita decided to come back to "the good life," I suppose you have to say, and came back to Lincoln to pursue his master's degree. And while he was doing that, he

started his research for the book that we also talked about. During that time, he did -- and this was the time when he was examining the five generations of the Lakota Sioux-Northern Cheyenne family, the Dull Knifes. He lived with the family in Pine Ridge for long stretches. And that means he stayed in vans, tents and trailers. His book reflects the intimate understanding of life on the reservation and specifically of the Dull Knife family. It is truly a "must read."

Professor Starita is a native of Lincoln where he tore up the local baseball diamond. As I understand, he was a hard-throwing, right-handed pitcher. He was scouted by the Los Angeles Dodgers and had an offer to pitch for the Kansas City Athletics at that time. He is a former scholarship Husker baseball player. But he ended his amateur career when he went pro, playing basketball for four months in the Middle East for a Turkish basketball team.

So there's a different side of Professor Starita that we don't hear about very often.

And besides all of that, you know, as they say that if you're a writer you have to have experiences in order to be able to write, Professor has also been a fruit picker, a cardboard box factory worker, and a construction worker who I am told is expert with a 90-pound jackhammer. So nobody ever said that journalism or writing is a lucrative business.

Professor Starita, thank you for coming and you are welcome

to present us your comments.

(Applause)

PROFESSOR STARITA: Thank you. Well, I just hope you got that off the Internet and not an FBI file. I keep forgetting what a scary thing the Internet is.

Thank you very much.

I'm not going to try and reflect my feelings of this story and what it means to our city and our country through any kind of a legal lens because I'd be completely out of my league. What I do want to do is give you some sense of the passion that I feel for this story and why I devoted a very intense four years of my life to trying to make sure that I gave this story the literary justice that it was due. And that's my -- that's what I want to talk to you about.

> They saw him rising slowly from his seat, and they could see the eagle feather in the braided hair wrapped in otter fur, the bold blue shirt trimmed in red cloth, the blue flannel leggings and deerskin moccasins, the red and blue blanket, the Thomas Jefferson medallion around his neck. When Standing Bear got to the front of the courtroom, he stopped and faced the audience, and extended his right hand, holding it still for a long time. After a while he turned to the bench and he began to speak in a low voice, his words conveyed to the judge and the large crowd by the Omaha Indian poet Bright Eyes.
>
> "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."

Then Standing Bear turned and faced the audience, pausing for a moment, staring in silence out a courtroom window, describing after a time what it was he saw when he looked out that window.

"I seem to stand on the bank of a great river. My wife and little girl are beside me. In front the river is wide and impassable." Standing Bear sees there are steep cliffs all around, the waters rapidly rising. In desperation, he scans the cliffs and finally spots a steep, rocky path to safety. "I turn to my wife and child with a shout that we are saved. We are saved. We will return to the Swift Running Water that pours down between the green islands of our homeland. There lie the graves of my fathers."

So they hurriedly climbed the path, getting closer and closer to safety, the water rushing in behind them. "But a man bars the passage... If he says that I cannot pass, then I cannot. The long struggle will have been in vain. My wife and child and I must return and sink beneath the flood. We are weak and faint and sick. I cannot fight any longer." Standing Bear turned and faced the judge, speaking softly.

"You are that man."

In the crowded courtroom, no one spoke or moved for several moments. After a while, a few women could be heard crying in the back and some of the people up closer could see that the frontier judge had temporarily lost his composure, his hands covering his face. Soon, some people began to clap and a number of others started cheering, and then the general got up from his chair and went over and shook Standing Bear's hand, and before long, a number of others had done the same.

The bailiffs asked for order and when it finally grew quiet again, the judge said he would take the case under advisement and issue his decision in a few days. And then he adjourned the court shortly after ten o'clock on a warm spring evening on the second of May, 1879.

Well, I love this story. This is a great story. It's a great Nebraska story and it's a great American story. Because braided into the narrative arc of the story of Standing Bear are all the themes and all the values that we, ourselves, hold dear as people. This is a story about courage. This is a story about fortitude. This is a story about love of family. This is a story about love of homeland. This is a story about what unfolded 132 years ago this year on the second floor of a limestone building at the corner of 15th and Dodge Street, just a few blocks from where we are now, where this devoted father, this middle-aged chief of a small tribe in a remote corner of the Northern Great Plains defeated the United States government. Not with a Winchester rifle, not with a bow and arrow, not with a tomahawk, but with a Writ of Habeas Corpus. Something that had never been done in the 103-year history of our country.

Standing Bear's story is a gift to us. It initially was a gift to the City of Omaha. It was a gift to this constellation of people who had come out of the shadows to rally around Standing Bear's flag, people who came out of the shadows who had never come out of the shadows before to step forward and to assert their help on behalf of a Native American.

And what is a unique dynamic of the Standing Bear story is something that is unique to Standing Bear itself and the gifts that he gave his people were unique. He gave a Brigadier

General of the United States Army the courage to do something that he had never done before. A Brigadier General of the United States Army who was a West Point graduate, who had been heavily decorated during the Civil War, who had fought Native Americans most of his life, but on a late March evening, in 1879, Brigadier General George Crook saddled up his horse, disobeying the orders of his superior in Chicago, General Philip Sheridan, and he rode under the cover of darkness three miles south, when he knocked on the door of the assistant editor for the *Omaha Daily Herald*. And when Thomas Henry Tibbles opened that door, the highest-ranking military officer west of the United States leaked a story to him that he thought his friend, Mr. Tibbles, would be interested in.

And despite the fact that he was a West Point graduate and heavily decorated Civil War veteran, General Crook had never done anything more courageous in his long and distinguished military career than make the decision to disobey his military conscience and follow his civilian conscience, which told him there was something inherently immoral and unethical about forcing this desperate band of frozen Ponca, many of whom came into his fort with the frozen skin hanging in black clumps off of their arms and elbows because they had been so severely frostbitten, he decided that he could not follow the orders of his superiors. And he, himself, later admitted that he had never done anything more courageous than that. Standing Bear

inspired him to do that.

Standing Bear inspired Thomas Henry Tibbles to write story after story after story that began in the Omaha papers and then jumped across the Mississippi and ended up in the Chicago papers, the New York papers, the Boston papers, the Philadelphia papers, and it got an entire East Coast citizenry sympathetic to the plight of a 58-year-old man who simply had wanted to walk 500 miles from Oklahoma to his Niobrara homeland to honor the pledge that he had given his 16-year-old boy as his boy lay dying on the banks of an Oklahoma creek in the bottom of an Army canvas tent.

And Thomas Henry Tibbles, despite 65 years in journalism, had never done anything more courageous than all of the stories that he had written to try and get this nation mobilized behind this 58-year-old father.

Standing Bear gave a judge the courage to make a decision that nobody saw coming, a decision that had never been made before in the history of the United States.

Standing Bear inspired the Jewish community of Omaha to begin hitting up white people for donations to help support a drive to give an American Indian his day in court in a way that never happened before.

When I would sit at the typewriter, the keyboard, night after night after night, I used this photograph as my screen saver because I would look at this face and I would wonder to

myself, How is it, despite all the injustices that occurred to this man, that his face never calcified in that mask of bitterness and anger and defeat, but it was always looking to keep moving forward, to keep fighting for his people, to keep fighting for his homeland?

And when he left in January of 1879 from his Oklahoma reservation, when he put the body of his only son in the back of this rickety buckboard and began walking north into a fierce blizzard at two o'clock on the afternoon of January 2nd, where the temperature on the road up ahead was 23 below zero, not windchill, but air temperature, he had done this to keep the pledge that he had made to his 16-year-old son, Bear Shield.

On that same day, January 2nd, 1879, the United States government had made 371 treaties with the native people of the United States and by January of 1879 they had broken all 371 of those treaties. But Standing Bear was not going to break his pledge to his son. And he unwittingly ended up in the cross-hairs of this landmark legal trial at the corner of 15th and Dodge Streets.

So Standing Bear's story to me is a story that is capable of inspiring people to do things that they didn't know they could do. And he did that with very good General George Crook and he did it with journalist Thomas Henry Tibbles, and he did it with Judge Elmer Dundy, who, if you look at the record, was never a big fan of Native American people. But when he

encountered this man and when he encountered his story, he made an historic ruling. And that is part of the gift that Standing Bear gave us.

Standing Bear gave a gift to the American people in the calendar year 1879.

Standing Bear is somebody who sat on the witness stand for two days and was relentlessly grilled by this young, brash prosecutor who was trying his first case in federal court, Genio Lambertson; and for two days Standing Bear, with Bright Eyes the interpreter, was relentlessly grilled by Genio Lambertson, who was doing his job. And the prosecutor was asking Standing Bear to tell him what it meant to be a Ponca, what it meant to be a chief. Who was he? Who was his people? What did it mean to be a Ponca in religious terms? What did it mean to be a Ponca in terms of cultural terms? And Standing Bear answered these questions.

But what ultimately happened, I would argue, having spent four years with this case, is in the end, Standing Bear was able to turn those questions around and hold a mirror up to the United States of America and turn those questions back on a country that had never really confronted the single question that hung over Judge Dundy's courtroom, which was, Who are these people and what do we do with them?

And Standing Bear, with the help of Brigadier General George Crook, who leads this story, and Thomas Henry Tibbles,

who was inspired to tell the story, and an East Coast citizenry, who had been anxious to discharge this bottled-up energy that they had once had for the abolitionist movement, who began to rally also around Standing Bear's wagon, contacting their senators and their congressmen, demanding that hearings be done to right this wrong, those were all inspirational things that Standing Bear gave.

And in the end, metaphorically, you could make a very compelling argument that he got off the witness stand, he held up a mirror to America, and he asked Americans questions that they had never been asked before. He metaphorically was asking Americans, in the spring, summer, and fall of 1879: Well, who are you? And what do you believe in? And who is your God? And what does it mean to be a Christian? And what does it mean to be a democracy? And what does it mean to be an American?

And those questions had never really been asked before in the way that they were by Standing Bear up and down the East Coast in the summer and fall of 1879.

So I think that's another gift that he gave the country in the last quarter of the 19th century.

And I think he has also given Americans a gift in the opening quarter of the 21st century.

In the end, any good story, any good book, any good work of art -- a poem, a film, an opera, a documentary film, a sculpture -- in the end, that piece of art's ultimate job is to

inspire us, is to inspire all of us to look closer at ourselves and demand of us the two key questions: Who are we really and what is it that we believe in?

And Standing Bear gave us this gift because in the end of this story, and any good story, and any good piece of art, should force us to answer the two most important questions: Who are we really and what do we really value? What do we really believe in? And it should force us, in the end, to look at the world around us with more sensitive and compassionate eyes.

And I think that's what Standing Bear's story is all about in the end. It's a story that it can -- it can and should inspire us to look deeper into ourselves, to find out who we are, to find out what our values are and where those values came from, and ultimately to confront all of these and to embrace the world with a little bit more sensitive and compassionate eyes. And that, I would argue, is what these eyes did. And in the end, that's his gift to us.

I thank you very much for the invitation. I'm very honored to have been invited to speak with you. I'm very proud that all the people in this room in some way or another made this event happen. Thank you very much.

(Applause)

CHIEF JUDGE BATAILLON: Thank you, Professor.

At this time, if Judge Clark and Mr. Kile Johnson, President of the Bar Foundation, would come forward, and I'll

have you do the unveiling.

I think both of you are going to make some remarks. Do you want to do the unveiling first or the remarks?

JUDGE CLARK: Let's do the remarks first. Okay. Keep the suspense going.

Good. This is good.

I am here representing the anonymous donor, who I'll refer to as "Joe."

Joe was a good friend of Ted Long's. Ted Long was a -- he's the wonderful sculptor that did this piece. He's from North Platte. And Joe has always liked lawyers. He's always liked the law. And he thinks this is a wonderful story. As Joe Starita has told us, it's that story -- Joe really appreciates the story that the Constitution applies to all people in the United States, that piece of the story, because that -- Joe sees that as the story. And he wanted to place this sculpture at a law school, at a Supreme Court, someplace where young attorneys, people going to court, would be reminded of this case and that the Constitution applies to everyone.

So I got ahold of Bob Bartle, who is no longer here, I guess. And Bob took over from there. So Bob Bartle and Kile Johnson and Judge Bataillon, a bunch of people, have made Joe's dream come true.

So a little bit about Joe. Joe wanted to create a sharper attention to the rule of law. He's thought a lot about this.

He wanted to have this sculpture bring forth an awareness to past injustices in a significant and noteworthy way, with the story of this event, and the event about peace, which comes from forgiveness practiced.

This peace created in Joe a tolerance that improved his life. And he hopes and wishes the same peace for everyone who wants to live our Constitution and our Bill of Rights.

So that's Joe's purpose in making this wonderful gift to the Bar Foundation.

And now I'd like to make a few comments about Ted Long, the sculptor. Ted was born in North Platte in 1932 and died in 2007.

When Standing Bear was taken into the Nebraska Hall of Fame, made a member of the Nebraska Hall of Fame -- I believe that was in 1978 -- Ted Long was commissioned to create this sculpture.

I'm familiar with Ted Long's work. He worked both in sculpture and in oil painting. He is a wonderful artist. I think this is one of his finest sculptures. And no doubt he was inspired by this story that Professor Starita told. He did this piece.

Another piece that he did, those of you that are from the North Platte area or go by there, he came up with the idea of the Veterans' Memorial, which is in the southeast corner of Interstate 80 and Highway 83, right outside of North Platte,

which is in a wonderful sculpture garden that is inspirational.

When Ted Long is "on," he's very "on." And I'm sure you'll see this with the sculpture.

To give you an example of Ted Long's ability, not just with sculpture and painting, he's one of the founders of what became NEBRASKAland DAYS. Ted's idea was that there should be an art show with NEBRASKAland DAYS. And he put an art show in place. And then that art gave legitimacy to NEBRASKAland DAYS and set a standard that continues.

So Ted was a leader in more ways than just being an artist. And he was a wonderful man and a wonderful artist.

Thank you very much. And I'd like to thank Kile and Bob, and turn it over to Kile.

MR. JOHNSON: Thank you very much, Judge Clark.

We're pleased to be here today. On behalf of the Nebraska State Bar Association, I'd like to just give you an idea of the process that was used. Judge Clark contacted Bob Bartle, the President of the Nebraska State Bar Association, and he and Jane Schoenike, the Executive Director of the Bar Association, arranged a meeting involving the Supreme Court, Federal Court, the Nebraska State Bar Foundation, and other state representatives to talk about where to place this marvelous bust and how to receive it.

The Nebraska State Bar Foundation had a history with Standing Bear. Charlie and Suzy Wright of Lincoln -- Charlie,

would you stand, please, and Suzy -- made a major gift to the Bar Foundation. And that was used to provide funding for a law student, Native American law student at the University of Nebraska College of Law. Jennifer Bear Eagle was the first recipient and Katie Quinn is the current second recipient. And we're very pleased with that fund that's operated through the Bar Foundation. It was decided that the Bar Foundation would receive the sculpture and it would be placed on loan here in the building with the Federal Court.

And, Judge Bataillon, thank you very much for receiving the bust on loan from the Bar Foundation for an exhibition here.

And the plan is to place it down in the northwest corner of the first floor. There's a neat exhibit there now. Take the time to spend an opportunity to see the bust in its permanent location and to view that exhibit downstairs.

Judge Clark, shall we unveil the bust?

JUDGE CLARK: Let's unveil.

We should ask for music.

(Judge Clark and Mr. Johnson unveiled the bust of Standing Bear.)

(Applause)

CHIEF JUDGE BATAILLON: It will make a wonderful addition to our courthouse and the historic display that we already have downstairs.

I have a few housekeeping matters that I need to take care

of. First of all, I want to thank my staff from the court's office. Susie Cordero has worked very hard to make all of this happen today. I'd like to thank the staff from the Nebraska Bar Foundation, Doris Huffman, its director, and Cindy Lilleoien, who is her assistant. They've done wonderful work in coordinating everything and made all of this possible today.

There is a reception after this is over. It's over in the fourth floor conference room. And that is given to us courtesy -- or we're going to use that courtesy of the Eighth Circuit Court of Appeals because it's their conference room, and it's a wonderful forum for a reception.

But before we end, I'd like to read to you -- I'd like to inject a little humor into this.

In 1968 -- now fix that date in your mind, 1968 -- the Mohawk Nation had a newspaper. And Vine Delora, Jr., was one of the contributing article editors for the paper. And he wrote this in the Mohawk Nation paper. Now, it's 1968:

> Every now and then I am impressed with the thinking of the non-Indian. I was in Cleveland last year and got to talking with a non-Indian about American history. He said that he was really sorry about what happened to the Indian but there was good reason for it. The continent had to be developed and he felt that Indians had stood in the way, and thus had to be removed. Quote, "After all, what did you do with the land when you had it?", close quotes. I didn't understand him until later when I discovered that the Cuyahoga River running through Cleveland is inflammable. So many combustible pollutants are dumped into the river that the inhabitants have to take special precautions during the summer to avoid setting it on fire. After reviewing the argument of my non-Indian friend I decided he was probably

correct. Whites had made better use of the land. How many Indians would have thought of creating an inflammable river?

(Laughter)

Well, thank you for all of you coming today. And we are truly and deeply honored to have this bust in our presence.

So enjoy the reception.

(Applause)

(Ceremony adjourned at 4:18 p.m.)