

United States, ex rel. Standing Bear v. Crook

In 1875, Nebraska Ponca Chief Standing Bear and other leaders were informed that they would be moved to the Indian Territory (Oklahoma). The move was made in 1878 with a significant loss of life, including Standing Bear's 16-year-old son, whom he had promised to bury back in Nebraska. When the 30 men accompanying his body stopped at the Omaha Reservation, General George R. Crook was ordered to capture and return them to the Indian Territory as an example to those wishing to return home. Crook instead took the men to Fort Omaha, noting he had been "ordered to do a more cruel thing than ever before."

Crook enlisted the aid and support of a retired Methodist minister and reporter for the Omaha World Herald, who gave the Indians' confinement wide coverage. Former Omaha Mayor and attorney Andrew Poppleton and John Webster agreed to represent Standing Bear in a suit against the United States. Crook was named a defendant since he was holding Standing Bear, though he was unabashedly on the Indian's side. The U.S. Attorney claimed that since Standing Bear was neither a U.S. citizen or even a "person" he could not bring such a suit.

Uncharacteristically, Crook appeared in full dress uniform and spoke in favor of Standing Bear. Raising his right hand, Standing Bear proceeded to speak. "That hand is not the color of yours, but if I prick it, the blood will flow, and I shall feel pain," said Standing Bear. "The blood is of the same color as yours. God made me, and I am a man. God made us both." He won over even conservative Judge Elmer Dundy. On May 12, 1879, Dundy ruled that "an Indian is a person," freeing Standing Bear. The trial became a landmark civil rights case.