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**BREWER:** Good afternoon and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer from Gordon, Nebraska, representing the 43rd Legislative District, and I serve as Chair of this committee. For the safety of our committee members, staff, pages, and the public, we ask that-- those attending abide by the following rules. Due to the social-distancing requirements, the seating in the room is marked and you guys are all spread out, appreciate your help there. Testifiers may remove their face covering during testimony to assist committee members and the transcribers in clearly understanding and hearing your testimony. Committee members, I'll leave that option up to you. Public, public hearings for today, if it reaches capacity, which it doesn't look like we will, then we'd have the Sergeant at Arms help manage that, but we're going to expedite through that because it's not going to be a problem. We ask that you limit or eliminate handouts for today. The committee will take up bills in order that they're posted on the agenda, pretty easy for today, LR128. Our hearing today is your public part of this legislative process. This is your opportunity to express your opinion on the positions before us today. I ask that you abide by the following procedures to better facilitate today's hearing. Please silence your electronic devices or phones. Please move to the reserved chairs when it's your turn to testify. Today shouldn't be an issue. There will be the chair you testifying in from your-- where you're at, you can move forward. The introducer will make the initial statement, which will be myself, followed by the proponents, opponents, and those of the neutral. If you're planning to testify today, be sure that you pick up one of the green sign-in sheets at the table and present that to the committee clerk when you come forward or to the page. We will start with proponents, then opponents, and those in the neutral today. I think we'll have primarily proponents. If you have any handouts, we ask that you provide 12 copies. If you don't, let us know so the pages can make copies. When it come-- when it's your turn to come up to testify, please speak clearly into the microphone. Give us your name and then please spell both your first and last name so we have an accurate record. We'll be using the light system today. It's centered here on the table. We'll give five minutes, which means you'll have four minutes, then you'll get the yellow light. At the five-minute mark, you get the red light and you'll need to end your testimony. No displays of support, opposition, vocal or otherwise, will be allowed.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee May 18, 2021

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Committee members with us today-- I got to do this in reverse. We'll  
start on my left. Senator Blood.

**BLOOD:** Good afternoon. Senator Carol Blood, representing District 3,  
which is western Bellevue and southeastern Papillion, Nebraska.

**SANDERS:** Good afternoon. Rita Sanders, representing District 45.  
That's the Bellevue-Offutt Community.

**M. HANSEN:** Matt Hansen, District 26 here in Lincoln.

**BREWER:** To my right, Julie Condon, our community clerk, to my left,  
Dick Clark, committee counsel. Today is kind of unique in that we have  
a-- another, another committee hearing going on across the way and  
some of the senators are assigned to here or over there or either  
presenting or they're on that committee. So we're a little  
shorthanded, but that isn't going to stop us, so we're going to drive  
on here. Our pages today-- and where we at? Over there-- all right,  
Thomas, is it Luckshevick [PHONETIC]?

**THOMAS LUKASZEWICZ:** Lucashevik [PHONETIC].

**BREWER:** Close enough for government work. He is from La Vista,  
Nebraska, sophomore at UNL, and the other one, I think I got-- Erin  
Bell.

**ERIN BELL:** Um-hum.

**BREWER:** And you're from Lincoln. You're a freshman at Nebraska  
Wesleyan. Very good. All right. OK, let's see. I'm trying to expedite  
through the stuff that we don't need to bother you with here today. If  
someone does forget to spell their name, we'll, we'll stop you or  
Senator Hansen will. He will-- I'll hand the gavel over to him-- and  
then give you a chance to correct that, so we make sure and get it in  
the record. And with that, I will move forward to start the  
presentation on LR128. You have the COM.

**M. HANSEN:** Perfect, thank you. All right, well, welcome, Chairman  
Brewer.

**BREWER:** Thank you, Mr. Vice Chair. Senator Hansen, members of the  
Government Committee, my name is Tom Brewer, T-o-m B-r-e-w-e-r, and I  
am here to open on LR128 today. The name Standing Bear is familiar in

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this building in many ways. Chief Standing Bear is represented in our Nebraska Hall of Fame. He is one of two Nebraskans representing the state at the U.S. Capitol Statutory [SIC] Hall. We honor Chief Standing Bear because he stood up for himself and stood up for native peoples. It was his words that made it possible for Native Americans to be recognized as humans. OK--

**BLOOD:** Is it a drill or real?

\_\_\_\_\_ : May I have your attention, please? May I have your attention, please?

**BREWER:** We're good to go.

\_\_\_\_\_ : There has been a fire alarm reported in the building. There has been a fire alarm reported in the building. Please proceed to the stairways and exit the building. Do not use the elevators, but proceed to the stairways and exit the building.

**BREWER:** Just to confirm, the state trooper said we're good to stay? OK.

**M. HANSEN:** I'll go ahead and note for the record that we have confirmation from the Sergeant at Arms that we're fine. Senator Brewer, if you want to proceed and feel comfortable.

**BREWER:** Well, you really know how to derail a speech. I know that. OK, every picture that you see of Chief Standing Bear, he is holding the pipe tomahawk. The tomahawk, of course, is, is a useful tool, can be both one that's used in peace and in war and that tomahawk that he carries is very special in that way. Standing Bear's tomahawk ended up with his lawyer, Mr. Webster. He gave that as a gift to him because that was all he had of value in the world and he wanted to thank him for his service. The lawyer passed it on, it was sold to collectors, and finally, it ended up in the museum at Harvard, the Peabody Museum, in about 1983. Harvard has no connection to Standing Bear. They have no connection to the Ponca people. Harvard has literally very little reason to keep this tomahawk Chief Standing Bear inherited as a, as a chief. Restoring this priceless tomahawk to the Ponca Tribe is the right thing to do. It belongs to the Ponca, it belongs to the, to the Standing Bear tribe, and to the, to the state that he called home. This resolution does not make Harvard do anything. It is not a legal

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command. It is simply a request. Returning the tomahawk to the Ponca is the right thing to do. This resolution says that we, as the leg-- as the Legislature, hope that they will understand and do the right thing. Following me are descendants of Standing Bear, the Ponca Tribe, and others. I want to thank you and would be happy to answer any questions.

**M. HANSEN:** Thank you. Chairman Brewer. Are there any questions? All right, seeing none, thank you for your opening and we'll invite up our first proponent testifier. Welcome.

**BRETT CHAPMAN:** Hello. My name is Brett Chapman, B-r-e-t-t C-h-a-p-m-a-n.

**M. HANSEN:** Go ahead.

**BRETT CHAPMAN:** Thank you and I thank you for having me here today to talk about this important issue with regard to Standing Bear's tomahawk.

\_\_\_\_\_ : May I have your attention please. The fire alarm was a false alarm. All clear, all clear, all clear. False alarm.

**BRETT CHAPMAN:** All right. That being said, I thank you for having me here to talk about this important issue. One thing I do as an attorney from Oklahoma and also as a Ponca is advocate for Native American rights. And so to have this history of my own people, with Standing Bear in this case, something that's really helpful in that regard. And so I've known for some time that this tomahawk has been in the possession of Harvard and also known that, as Senator Brewer articulated, that they didn't come by it. You know, I guess they didn't come by it honestly, in a way. I mean, they did, but it's not like it came straight from him to them and so one thing I think is important about this bill is that it represents or it recognizes the inherent sovereignty of Native American nations, such as our Ponca leaders back here, and by returning it to them and their custody, that recognizes them as, you know, the proper custodians for it. And so I think that's something that's very important for all native nations when we talk about these repatriations, that not only does it not belong to Harvard, but who does it belong to? Well, these nations and it's important for people to remember in today's society that we're still here. A lot of people don't know what defines Native Americans

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and that is sovereignty. A lot of people think that, you know, if we're not-- if we're just extinct people, we're kind of looking like people from the 1800s and chiefs like that. And so I think this is very important to have the support of a legislature like you guys with regard to our native sovereignty and so I really appreciate that. And I think one of the reasons I did this was because the biggest problem to me facing Native Americans in the United States today is one of invisibility, as I mentioned, that again, nobody knows we're here. Nobody knows what defines us. And this history in America, the way history is taught, no one learns Native American history. It's really kind of been whitewashed out of the larger curriculum, sad as it is, and so by using Standing Bear as a Native American whose history intersects with this larger U.S. history, which people find important, you know, people like that--

**M. HANSEN:** Thank you for your patience, everybody. We'll give you an opportunity to continue--

\_\_\_\_\_: May I have your--

**M. HANSEN:** --once this quiets down.

\_\_\_\_\_: --attention, please. There has been a fire alarm reported in the building. There has been a fire alarm reported in the building. Please proceed to the stairways and--

**M. HANSEN:** All right. I think we're quiet if you'd like to go ahead.

**BRETT CHAPMAN:** Yeah and so going back to the intersection of Standing Bear as a Native American leader and a civil rights leader with this larger U.S. history that people otherwise see as important, I think that's an important way to remind people that not only are we still here, but these nations are still here, the Ponca Tribe of Nebraska being his descendant nation, these, these Poncas up here wouldn't exist if it weren't for him, if it weren't for handing over this tomahawk. And so there's truly, you know, no good reason for Harvard to have it and when I wrote this demand letter to them a couple of weeks ago, I didn't make any legal threats for it. I didn't threaten a lawsuit. I didn't threaten to take them to court. I just challenged their legal or their moral authority to have it. And in this case, I think it's really clear that it should be returned to them and that-- whatever they want to do with it, that's their business. You know, if

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the tribe-- they want to put it in a museum and display it, that's their business. If they want to take it and let other people hold it, that's their business. And I think that what I asked for in this case-- and I know that I as an individual have no standing in the repatriation issues between the two Ponca tribes and Harvard, but I think that it ought to be returned to them full title, no questions asked immediately as possible-- immediately and as soon as possible because there's no-- it doesn't matter that the security procedures and their museum aren't up to Harvard standards or maybe they don't have, you know, the glass cases or they try to find whatever reason they can to put conditions on it. It's, it's always been theirs. That's just-- that's how it is. This tomahawk has always belonged to the Ponca people and it always will. And so would think-- we would thank Harvard for being custodians of it for this time, but then when they give it back, it's just up to the Ponca people, the Ponca Nation government to do what they want with it. And one other thing I would mention, too, in this matter is as part of my research that this-- Standing Bear's necklace that, you know, this large necklace that he had-- that's just as prominent as the tomahawk. They, they buried this in 1940 with my great-great grandfather Horse Chief Eagle, and I guarantee you, if they had this tomahawk back then, that would have been their choice in 1940. And those Poncas back then, they had their reasons for doing it. Maybe today we would be happy that they didn't do it because it still exists, but that, that choice was still denied to them at that time. And so I think in looking at this history like that, it's important to see that we've been here all along and that this item has always been ours all along. And so I, I stand in support of this resolution and I thank you for your consideration of it.

**M. HANSEN:** Thank you for your testimony.

**BRETT CHAPMAN:** Thank you,

**M. HANSEN:** Questions from committee members? All right, seeing none, thank you for your time.

**BRETT CHAPMAN:** Thank you.

**M. HANSEN:** We'll invite up our next proponent. And again, just to thank everybody's patience and understanding with the fire alarms. We've been getting all-clears from the Sergeant at Arms, so we do believe we're OK.

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**LARRY WRIGHT JR.:** Now that I'm speaking, they will probably kick us  
all out.

**M. HANSEN:** Welcome.

**LARRY WRIGHT JR.:** Good afternoon. My name is Larry Wright Jr. I'm the  
tribal chairman for the Ponca Tribe of Nebraska and my name is  
L-a-r-r-y W-r-i-g-h-t J-r. I want to thank Senator Brewer for  
introducing this and for-- members of the committee for hearing us.  
I'm, I'm here in support of LR128 on behalf of the Ponca Tribe and  
today I'd like to read for the record a resolution that was passed  
just today by the Ponca Tribe of Nebraska and I'll dispense with the  
whereases. I want to share this for, for the committee. The Ponca  
Tribe is a federally recognized Indian tribe under public law 101-484  
whose business affairs are conducted by the Ponca Tribal Council, as  
defined by-- in the constitution, approved July 22, 1994 by the acting  
deputy commission--commissioner of Indian Affairs. And pursuant to the  
constitution of the Ponca Tribe of Nebraska, Ponca Tribal Council  
exercises legislative powers to enact and promulgate resolutions and  
ordinances subject to all express restrictions upon such powers  
contained in the constitution. And Standing Bear is a significant  
historical and cultural figure of the Ponca people and, and in the  
United States' federal policy during his lifetime resulted in a loss  
of land and livelihood for our people, culminating in the forced  
removal to Indian territory in 1877. And in an effort to honor his  
son's dying wish for being buried in their homeland with their  
ancestors, Chief Standing Bear defied the move to Indian tory-- the  
move to Indian territory and made the trek back to Niobrara and  
Standing Bear was arrested and brought the court case of the United  
States of Standing Bear versus Crook and the court found Chief  
Standing Bear to be a person under the law, allowing his and other  
Ponca members to return to Niobrara with water repercussions for  
Native American civil rights and these events led to the Ponca tribe  
of Nebraska being federally recognized as unique and separate. Chief  
Standing Bear's financial indignity should have resulted in a  
court-appointed counsel, but instead led him to offer compensation to  
his attorney, John L. Webster, in the form of his tomahawk. And the  
Tomahawk was later given to the Peabody Museum of Archeological and  
Ethnology [SIC] at Harvard University despite this institution having  
no connection to Chief Standing Bear or the Ponca people. And the  
tomahawk is an item of cultural patrimony and a significant symbol to  
Chief Standing Bear and of historical and cultural importance to the

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Ponca Tribe of Nebraska. And descendants of Chief Standing Bear have called upon the Peabody Museum to return the tomahawk back to the Ponca people. The Peabody Museum has recently apologized for its historic practice of collecting and maintaining possession of Native American cultural objects and has declared its commitment to changing these practices. The Peabody Museum has an additional 37 funerary objects in their collection culturally affiliated with the Ponca people. Therefore be it resolved that the tribal council of the Ponca Tribe of Nebraska calls upon the Peabody Museum to fulfill its commitment and to repatriate to Standing Bear's tomahawk back to the Ponca Tribe of Nebraska and that the Ponca Tribe of Nebraska Tribal Council calls on the Peabody Museum to work with the Ponca Tribe of Nebraska and the Ponca Tribe of Indians of Oklahoma to find a mutually agreeable arrangement for the repatriation of the additional objects in the Peabody Collection relating to the Ponca people. And just to reiterate, I also want to thank Mr. Brett Chapman for his efforts in leading these to being here today, to leading the Peabody Museum, to their outreach to both the Ponca Tribe of Nebraska and the Ponca Tribe of Oklahoma and Senator Brewer for his support and efforts to bring this to the Nebraska Legislature. While we feel talks are moving productively, we do concur with Mr. Chapman that having a legislator-- this Legislature's support with LR128 helps strengthen our, our, our position and, and truly understands the importance of what Chief Standing Bear and the Ponca people have to our cultural connection to this state and recent actions that this State Legislature has done with placing Chief Standing Bear as a representative of Nebraska in the United States Capitol. We believe for a long time these, these artifacts of cultural importance for our people through time have been lost for too many of us, but to know that they still exist and are in a place where they shouldn't be and, and understanding what that means to our Ponca people in our homeland here in Nebraska on land that Ponca, Ponca Chief Standing Bear is buried on. That land is in possession of the Ponca Tribe of Nebraska now and so through all of these efforts to bring that home, to have it with our people, with the direct descendants of Standing Bear who still exist, who have-- can have that connection to that and be a reminder of why the Ponca Tribe of Nebraska is here in Nebraska is very important to us. And so we appreciate your efforts and supporting this resolution and bringing these artifacts home. Thank you. I'll answer any questions.

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**M. HANSEN:** Thank you. Are there questions from the committee? Seeing none, thank you for your testimony.

**LARRY WRIGHT JR.:** Thanks.

**M. HANSEN:** All right, with that, bring up the next proponent. Welcome.

**LARRY BRADLEY:** Thank you, Senator. My name is Dr. Larry Bradley, L-a-r-r-y B-r-a-d-l-e-y, 6068 Country Club Oaks Place, Omaha, Nebraska, 68152, and I am here to offer support for LR128. I might say I don't have a written speech or anything, but quickly-- I've-- my research, I've worked on fossils that have been dispossessed by different museums around the country and I listened to Mr. Brett Chapman's testimony and I understand, in my experience, the-- these universities and museums, they are hesitant to acknowledge or be transparent or to return items unless a legislative body like this can ask them to do so, to remind them to do so. And I'm cautiously optimistic and cautiously give Harvard some high marks at this time for being transparent., but that's probably because they were, you know-- you know, they knew this could blow up in the media and make them look bad. On a side note, while Harvard Crimson has Chief Standing Bear's tomahawk, Yale University or the Yale Bulldogs have Chief Red Cloud's pipe, pipe bag and headdress, and that became in their possession similar ways that the Chief Standing Bear's tomahawk went to Harvard. So maybe down the road you might want to think of possibly something may come about from the Lakota and, and Chief Red Cloud is also in the historical hall of fame for the state of Nebraska. Again, one thing-- and I see this with very open heart, positive and goodness-- I don't mean this in a sarcastic way, but when this body will ask, you know, maybe Harvard University or other universities to return items to the nations-- Native American nations, sometimes you might want to look in your own backyard and a few blocks away, what might be going on in-- at our very own university. But I had my time on that one in October, so I really appreciate and again, I support LR128. Thank you.

**M. HANSEN:** Thank you. Questions from the committee? Seeing none, thank you for your testimony. Welcome.

**JUDI gaiashkibos:** Good afternoon. Today, I rise in support of LR128, a resolution that has raised-- been raised to a national level. I am Judi gaiashkibos, J-u-d-i g-a-i-a-s-h-k-i-b-o-s. I'm a member of the

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Ponca Tribe and the executive director of the Nebraska Commission on Indian Affairs for the past 25 years. Prior to working for the state, I was the first NAGPRA specialist for the Ponca Tribe. Our tribe was restored on Halloween, 1990, the same year that the federal NAGPRA law went into effect. In 1989, the Nebraska Legislature passed an important resolution recognizing the Ponca Tribe and supporting their restoration. So this body has passed resolutions that really were impactful and today, I believe that this resolution will help the-- Harvard and Peabody do the right thing. Nebraska was the first state in the country also to pass legislation to protect our Native American human remains when we dealt with the Pawnee's request for their sacred metals and human remains. As the first NAGPRA specialist, I worked on behalf of the Ponca Tribe on a very contentious return of the human remains from the University of Nebraska. So now I'd like to talk about the Standing Bear tomahawk. The tomahawk is very symbolic in two ways. First, in his testimony, Standing Bear was promising to lay down his previous life as a native, which would have included his tomahawk. In those days, a tomahawk was part of any native man's everyday wardrobe. Not wearing it would be like getting dressed and coming to work without your cell phone and leaving your phone at home. Once upon a time, before removal, he probably had two tomahawks, one for every day and one that was ceremonial. I am going to guess that this tomahawk was his everyday tomahawk because he would have chosen utility for the walk home from our forced removal to Oklahoma. There are many historic photos of him with the other Ponca chiefs that show him with the ceremonial tomahawk. Secondly, he literally had nothing to give his attorney for his hard work to free him. He gave away pretty much everything he had at the time, including his eagle feather headdress. Ponca values of generosity would have guided him to literally give the shirt off his back. He probably saw his attorney as a warrior and a warrior needs a tomahawk, as he was promising to give his own warrior the status if the judge would let him stay in his home lands. What a terrible price to pay. There is no question to me that this tomahawk is cultural patrimony, in my opinion, under the language of NAGPRA. How can the Peabody argue that the tomahawk is of more value in Massachusetts than it would be to the descendants and tribal relatives of Standing Bear? Further, it is a huge part of Nebraska's history, not Harvard's history. What compelling reason is there for the Peabody to keep it in their research collection when it could come home? It should come home to Nebraska. If Standing Bear had kept the tomahawk, it either would have been buried with him or given away to a

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significant relative. This is the Peabody's chance to join the nation in honoring the legacy of Standing Bear and this historic 1879 trial that deemed us persons under the law. And today, Standing Bear has his rightful place in the U.S. Capitol in Statuary Hall. In closing, over the past 25 years, I have dedicated my life's work to telling the story of Ponca Chief Standing Bear and other stories that include invisible people such as America's first native doctor, Susan La Flesche Picotte. I feel confident that the Peabody, under the leadership of Jane Pickering, will work with the Usni Ponca, the northern Ponca tribe, which is whom I believe it should return to, to return the tomahawk back to the tribe and its safe return to Nebraska. I thank Senator Brewer and his staff for this resolution. I thank Mr. Chapman for taking this public. I think that has given some impetus for this conversation today. I recently had a conversation with Jane Pickering and I asked her if you've had this in your possession since 1982, our tribe was restored in '90, why did Harvard never reach out to the Ponca Tribe and at least let them know that this was there and find a way that they could work with them? So I do believe going forward that they will do this because it's the right thing to do and there's public pressure to do so. So that is my testimony on behalf of the women and children and as a member of the Ponca Tribe and on behalf of the Indian Commission. I believe all of our tribal nations would believe that this is the right thing to do to respect sovereignty and return those rightful sacred objects to our people. Weblaho.

**M. HANSEN:** Thank you for your testimony. Any questions from the committee? Senator Sanders.

**SANDERS:** Thank you, Mr. Chair-- Vice Chair.

**JUDI gaiashkibos:** Thank you for your question. Nobody has had a question.

**SANDERS:** Thank you for your testimony. How old is the tomahawk and was it passed down to Standing Bear?

**JUDI gaiashkibos:** Well, they were forced down in 1878 and I'm not sure exactly of Standing Bear's age, but I think he was in his-- around 50ish. It's hard to say, you know, when you receive gifts-- I have a medallion on today that was a gift from my daughter-- beaded. And someday I may be buried with that or I may pass that on to one of my

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grandchildren. So just thinking of that, if he received-- I would say that he'd had it for quite some time prior to that and it was very important and a part of his life. These, these aren't just objects. They're what we use in our ceremonies, in our prayers, and we gain significant spiritual well-being from them.

**SANDERS:** Thank you for your testimony.

**M. HANSEN:** Thank you, Senator. Other questions? Thank you for your testimony.

**\*SPIKE EICKHOLT:** Thank you, Chairperson Brewer and members of the Government, Military, and Veterans Affairs Committee. My name is Spike Eickholt and I am a Lobbyist for the ACLU of Nebraska. The ACLU offers its full support of LR128 and we would like to extend our appreciation to Senator Brewer and others for introducing this resolution. Native Americans have suffered discrimination and injustice at the hands of the government since the country's founding. Even today, Native American communities are among the most impoverished in the nation, and the stigma of past discrimination regularly rears its head in the spheres of public health, education, and juvenile justice. The ACLU is committed to defending the rights of all indigenous peoples to be free from discrimination and governmental abuse of power, whether the government be federal, state, or tribal. One way in which the vestiges of this historical discrimination can be resolved is for current leaders to participate in the repatriation policy of cultural items or things of special significance to Native people. Repatriation is the process whereby human remains and certain types of significant cultural items are returned to lineal descendants, tribes, or organizations. In recent years museums and other entities have rightly made an effort to repatriate Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony from their collections to federally recognized tribes in the United States that are culturally affiliated with the items upon request. In many respects, repatriation is a human rights issue and recognition that certain items should be returned to their lineal descendants or communities of origin, regardless of geography or socio-political borders. This resolution rightly calls for the return of Chief Standing Bear's ceremonial tomahawk, which was of particular personal significance to Standing Bear. As the resolution notes, Chief Standing Bear's painted or photographed image regularly depicts him with his ceremonial tomahawk. A ceremonial tomahawk has particular significance

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to the Ponca tribe and to Nebraska state history. Chief Standing Bear successfully argued in 1879 in United States District Court in Omaha that Native Americans are persons within the meaning of the law. Chief Standing Bear's personal resilience and extraordinary resolve resulted in a seminal court victory representing one of the first judicially recognized civil rights for Native Americans. This decision remains among the most notable judicial milestones in our jurisprudence that rightly acknowledges that Indigenous rights are human rights and civil rights and that racial justice matters. Standing Bear gifted this ceremonial tomahawk to his legal counsel in this case and the tomahawk ultimately ended up in the possession of the Peabody Museum of Archaeology and Ethnology at Harvard University. The life and the historical significance of Chief Standing Bear is incalculable not only for Nebraskans and the state of Nebraska, but it is particularly important for the Ponca Tribe. We urge this Committee to advance this resolution to the full Legislature for consideration.

**M. HANSEN:** Are there any other proponents? All right, seeing none, are there any opponents? Seeing none, does anybody wish to testify in a neutral capacity?

**TREVOR JONES:** Thank you, Senator Hansen, and members of the Government Committee. My name is Trevor Jones, T-r-e-v-o-r J-o-n-e-s. I'm director and CEO of History Nebraska, the state's historical society. I'm speaking in a neutral capacity on this legislative resolution. Happy to clarify any, any process issues with you about how this might work. The Native American Graves Protection and Repatriation Act may apply in this situation depending on what the request is and so if it is simply a request to bring the tomahawk back to Nebraska and have it come back to the Ponca people, then that would be a moral issue and not a legal one, simply a question of what is the right thing to do? If it is a, a formal request, as some of our speakers have talked about, of saying that this is an object of cultural patrimony, meaning that it belongs to the tribe and not an individual, then that triggers a NAGPR consultation process, which is a formal process governed by the law and so then there would be a consultation. You actually have to publish things in the Federal Register and then they would work through that process. So there are two different options that, that could be happening here. Chairman Wright indicated that they've already started conversations with the Peabody Museum, with the two tribal governments for the Ponca, and I know that, that the Peabody Museum had suggested that and that is the appropriate process for

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either one of these. Whether it's a moral issue or a legal issue, tribal consultation is the key part. And, and the real key is the conversation, which is the, the-- NAGPR is not a perfect law. It's been around since 1990, but what it does is it forces institutions like the Peabody to have a conversation with tribal representatives and that's important because before 1990, those conversations did not happen and so that is the positive part of that law. I have also spoken to Jane Pickering at the Peabody Museum and they would very much-- they also would agree that this tomahawk has no purpose being in Massachusetts and they feel that it should come back to the people that would appreciate it and care for it and tell that story. So I-- there will be a process to work through. It always takes longer than anybody would like it to, but I feel that, you know, that there is a process to work through and it will happen.

**M. HANSEN:** All right.

**TREVOR JONES:** Any questions?

**M. HANSEN:** Thanks for your testimony. Any questions? Seeing none, thank you very much. Are there any other neutral testifiers? Seeing none, we'll invite Chairman Brewer back and while he's coming up to close, I'll note we had no position letters and we had one written testimony in support from Spike Eickholt of the ACLU of Nebraska.

**BREWER:** Well, I have to say that I think Trevor made my day with that last comment he made there. I-- I'm glad that things have progressed along to the point where the difficult part may be behind us and now it's just a matter of, of getting the technical part worked through. I think when I leave my time here in the Legislature, the one moment that I will remember was when we were in Washington, D.C., and they pulled the veil back on Chief Standing Bear, the whole room, which was essentially Congress and, and others, sighed a, a-- almost disbelief at how beautiful it was and how well it was made. And part of that is the image of the tomahawk and the bear claw necklace and all so, you know, this is something that-- there are a few artifacts and people-- why, why isn't there more artifacts? Well, it was considered good medicine to be buried with many of these things. So if you look, the, the presidential medals that the chiefs were given almost to the, to the chief, they, they were buried with them because they considered that good medicine that they were given that as a, as an item of respect. So understand that there is very few items to be had and this

\*Indicates written testimony submitted prior to the public hearing per  
our COVID-19 response protocol

is something that the Ponca can be proud of and, and talk about to  
generations to come. So I would just ask that you support the LR and  
take any questions.

**M. HANSEN:** Thank you. Are there questions? All right, seeing none,  
thank you and this will close our hearing in LR128 and our hearing  
today.