

Reactions to the Verdict in the Standing Bear Trial

Stories in the Omaha Herald May 1879

May 15, 1879	Standing Bear: Hayt Will Use the Whole Power of the government to Hold Him.	2
	Re-creation of newspaper story	3
May 15, 1879	A Perturbance in the Indian Ring.	4
	Re-creation of newspaper story	5
May 18, 1879	Judge Dundee's Decision (quoting the St. Paul <i>Pioneer Press</i>)	6
	Re-creation of newspaper story	7

Courtesy Nebraska State Historical Society

Omaha Herald, May 15, 1879

[This is the immediate reaction to the decision as reported in the *Omaha Herald* on May 15, 1879. Mr. "Hayt" is E. A. Hayt, Commissioner of Indian Affairs in 1879.]

STANDING BEAR

**Hayt Will Use the Whole Power
of the Government to Hold Him.**

**He Orders An Appeal to be Taken
From Judge Dundy's Decision**

WASHINGTON, May 14. -- The decision of Judge Dundy at Omaha in the Standing Bear *habeas corpus* case in which he virtually declares Indians citizens with the right to go where they please, regardless of treaty stipulations is regarded by the government as a heavy blow to the present Indian system, that if sustained will prove extremely dangerous alike to whites and Indians. If the power of the government to hold Indians upon their reservations and to return them when they escape is denied, the Indians will become a body of tramps moving without restraint wherever they please and exposed to attacks of frontiersmen without redress from the government. The district attorney at Omaha has been instructed to take the necessary steps to carry the question to higher courts.

Secretary McCrary, in conformity with *habeas corpus* case, has directed that those Indians be released.

[Shortly after the decision, District Attorney G. M. Lambertson did file an appeal, but the appeal was never heard by a higher court. There is some speculation on the reasons. The Secretary of the Interior, Carl Schurz -- who was Commissioner Hayt's boss -- claimed that he could not agree with the legal points argued by Lambertson, so he advised the Attorney General to drop the case. But in other parts of the court record, there are indications that the case was reviewed by a judge of the U. S. Circuit Court. Justice Miller decided the case was "moot," -- that is, it lacked legal meaning -- because Standing Bear wasn't present for the appeal. Whether because high officials had doubts or because of a legal technicality, the appeal was never argued.]

Omaha Herald May 15, 1879
Re-creation of newspaper story

OMAHA HERALD.

SUNDAY, MORNING, MAY 15, 1879.

CONGRESS.

Unlimited Coinage of Silver Occupies the Attention of the House.

Senators Voorhees, Pendleton, Paddock and Edmunds have a Little Conversation.

It is about Back-door and Cloak Room Influences

Mr. Pendleton Thinks it Shows the need of Passing his Pet Measure.

Edmunds is Cynical and Insulting as Usual.

SENATE.

WASHINGTON, May 14.—Consideration was resumed of the legislative appropriations bill.

Mr. Kernan advocated the repeal of the test oath and denounced the use of the army at the polls. He deplored and repelled Mr. Windom's remark, that free fraud and free mobs were dear to the democrats. He mentioned a number of eminent, pure and honest democrats who had been elected governors of New York, including Marcy, Seymour, Silas, Wright, and Tilden.

Mr. Morrill asked if it was the same Tilden who had not paid his income tax.

Mr. Kernan said yes, but he had heard the government failed to make a case.

Mr. Eaton asked if it was not the same who was elected president and cheated out of office.

Mr. Kernan replied in a like vein. He declared the democrats had often carried the State of New York and carried it honestly. He concluded the law authorizing supervisions of elections was arbitrary, oppressive and dangerous.

Mr. Thurman got the floor and will

Mr. Edmunds—So far as my vote is concerned I am the judge.

Mr. Voorhees—So am I. The senator intimated that I am in favor of free fights at the polls. I hope he will say that he did not mean to say so.

Mr. Edmunds—I accept with due humility the rebuke of my friend from Indiana, who intimated that we favored interference at the polls at the point of a bayonet.

Mr. Morrill's amendment was then rejected and Mr. Beck's agreed to.

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Several Persons Expelled From the Trotting Association.

CHICAGO, May 15.—The board of appeals of the National Trotting Association after three days session at the Grand Pacific Hotel, and decision in numerous cases to-night decided the following:

Omaha Herald, May 15, 1879

A PERTURBANCE IN THE INDIAN RING.

The Indian Bureau has taken sudden alarm at the decision of Judge DUNDY. The Chicago *Times* slops and sloses around at the opinion without pretending to even state what the opinion is, or the principle upon which it was made. The telegrams inform us this morning that the idea prevails in Washington the Judge DUNDY has knocked the infamies called the Indian policy of highway robbery into everlasting smithereens, and takes about the same idiotic view of Judge DUNDY's decision that the Chicago *Times* has done.

Let the Washington herd of lawless reprobates hold their peace for a while. They forget that the very purpose for which the holy writ of *habeas corpus* was invoked for the protection of STANDING BEAR and his people was not to violate but to vindicate the laws, and the rights of an oppressed people under the laws. Send out your big Judges like Miller and Dillon to revise Judge DUNDY, if you will. They may not prove to be the serfs of corrupt power that they are assumed to be by its beastly autocrats at Washington. The wrongs of Government upon these Ponca Indians are lawless wrongs. They are monstrous wrongs. They cry to Heaven for redress from the lips of millions of good men and women all over our land, and a growing public opinion demands justice for a helpless and defenceless [sic] people. Judges Miller and Dillon are obviously sent here in the hope that they will remand the Indians to the remorseless rule under which they have so long suffered. Will they do it? Will they crush these remnants of a robbed and wronged and perishing race of men under technical constructions of law, and thus deprive them of that personal liberty which is the greatest of earthly possessions, to gratify the whims of the cold-blooded mercenaries and autocrats of power who have despoiled them of everything else?

But there is a higher court than the "full Bench" that is to rehear this case in Omaha, and there is grit enough, and humanity enough, and money enough in this part of the West, in our opinion, to make appeal to it, if appeal shall be necessary. This fight for human liberty and rights must go on, no matter who stands at the door.

Omaha Herald May 15, 1879
 Re-creation of newspaper story

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Omaha Herald, May 18, 1879

Judge Dundy's Decision

The St. Paul *Pioneer Press* says: If the decision of Judge Dundy, of the United States court of Omaha, to the effect that Indians have the legal rights of citizens, is sustained, the Indian policy of the government will undergo a revolution. A Washington dispatch refers to the decision as an unexpected blow, and a serious embarrassment to the government in dealing with the tribes. It may be questioned whether it does not bring as much good as evil in its train. Any comprehensive and rational Indian policy contemplates the ultimate civilization of the savages. This involves, sooner or later, their recognition as citizens as full legal rights. On the one hand, it may be said the time for this has not arrived, while a large part of the savages are in a state of barbarism. On the other, it may be urged that the possession of the rights of citizens will hasten the call for citizenship. This argument should be as good for Indians as negroes. The protection of habeas corpus is not superfluous for any class under government."

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THE OMAHA HERALD

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Military Affairs.

WASHINGTON, May 17 – General Sherman says military affairs were never so well arranged in the west as now, and General Sheridan has reduced everything to an admirable and effective system.

Captain Lincoln, Tenth Infantry, not Captain Lawton, Fourth cavalry, shot a soldier of the 22nd infantry at Fort Griffin, Texas, mutiny.