

JUDGE DUNDY

Webster's dictionary describes a person as "a living soul; a self conscious being; a moral agent; especially a living human being; a man, woman or child' an individual of the human race."

HE closes the dictionary.

HE returns to his seat, and sits once again.

HE picks up his pen to write.

As JUDGE DUNDY writes, HE reads aloud what HE writes to himself.

WHITE EAGLE enters. He sits, smoking tobacco.

TIBBLES enters and begins writing down in the Notebook every word JUDGE DUNDY says.

LAMBERTSON, WEBSTER, BRIGHT EYES, and POPPLETON enter, each carrying a copy of Judge Dundy's decision.

As they read from the papers in their hands, SOLDIER #1 and SOLDIER #2 escort CHIEF STANDING BEAR and WHITE SWAN, in chains, back on stage, and they stand in the back, watching and listening as the decision unfolds.

JUDGE DUNDY

First, an *Indian* is a PERSON-

LAMBERTSON

(*in shock at what he just read*) A person?

JUDGE DUNDY

within the meaning of the laws of the United States, and has therefore the right to sue out a writ of habeas corpus in a federal court, or before a federal judge, in all cases where he may be confined, or in custody under color of authority of the United States, or where he is restrained in violation of the constitution or laws of the United States.

LAMBERTSON

Unbelievable.

JUDGE DUNDY

Second, that General George Crook, the respondent, being the commander of the military department of the Platte, has the custody of the relators under color of authority of the United States, and-

POPPLINGTON, WEBSTER AND BRIGHT EYES

(in blissful disbelief) In violation of the laws thereof?!

JUDGE DUNDY

Third, that no rightful authority exists for removing by force any of the relators to the Indian Territory, as the respondent has been directed to do.

LAMBERTSON

This is simply unfathomable.

JUDGE DUNDY

Fourth, that the Indians possess the inherent right of expatriation, as well as the more fortunate white race, and have the inalienable right to-

JUDGE DUNDY, BRIGHT EYES, WEBSTER,
POPPLINGTON AND LAMBERTSON

Life liberty and the pursuit of happiness-

JUDGE DUNDY

So long as they obey the laws and do not trespass on forbidden ground.

LAMBERTSON

There's no precedent for this!

JUDGE DUNDY

And fifth, that being restrained of liberty under the color of authority of the United States, and in violation of the laws thereof-

LAMBERTSON

(in disbelief) The Poncas must be discharged from custody?

WEBSTER

Did you read this?

CHIEF STANDING BEAR

What does it say?

WEBSTER AND BRIGHT EYES

The Poncas must be discharged from custody!