

SENATE BILL REPORT

ESHB 1372

As Reported by Senate Committee On:
State Government & Elections, March 19, 2021

Title: An act relating to replacing the Marcus Whitman statue in the national statuary hall collection with a statue of Billy Frank Jr..

Brief Description: Replacing the Marcus Whitman statue in the national statuary hall collection with a statue of Billy Frank Jr.

Sponsors: House Committee on State Government & Tribal Relations (originally sponsored by Representatives Lekanoff, Shewmake, Peterson, Dolan, Johnson, J., Slatter, Cody, Fitzgibbon, Lovick, Sells, Wicks, Kloba, Taylor, Valdez, Bateman, Wylie, Santos, Ormsby, Senn, Leavitt, Ybarra, Goodman, Ramel, Gregerson, Macri, Callan, Fey, Ramos, Pollet, Ryu, Berg and Simmons).

Brief History: Passed House: 3/8/21, 92-5.

Committee Activity: State Government & Elections: 3/17/21, 3/19/21 [DP].

Brief Summary of Bill

- Expresses the Legislature's request to the United States Joint Committee on the Library of Congress to replace the Marcus Whitman statue from the National Statuary Hall Collection at the U.S. Capitol with a statue of Billy Frank Jr., and requires the Governor to send a written request of the same.
- Creates the Billy Frank Jr. National Statuary Hall Selection Committee to act on behalf of the state in carrying out the replacement process.
- Requires the Governor coordinate with the legislative body of the selected county to carry out the relocation and transfer of ownership for the Marcus Whitman statue.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Wilson, J., Ranking Member; Hasegawa and Hawkins.

Staff: Melissa Van Gorkom (786-7491)

Background: National Statuary Hall Collection. The creation of the National Statuary Hall Collection was authorized by the United States Congress in 1864 to allow each State to provide two statues of notable citizens for display in the United States Capitol. Washington has contributed to the collection a statue of Marcus Whitman in 1953, and a statue of Mother Joseph in 1980.

In 2000 Congress enacted legislation that authorized any state to request the Joint Committee on the Library of Congress to approve the replacement of a statue the state has provided for display in Statuary Hall if: (1) the request has been approved by a resolution adopted by the Legislature of the state and the request has been approved by the Governor of the state, and (2) the statue to be replaced has been displayed in the Capitol of the United States for at least ten years. The resolution must:

- identify the statue to be replaced;
- name the individual to be newly commemorated and cite his or her qualifications;
- select a committee or commission to represent the state in selecting the sculptor; and
- direct the method of obtaining the necessary funds to carry the resolution into effect.

The Joint Committee on the Library of Congress has oversight of the collection, and, under the committee's direction, the Architect of the Capitol (AOC) is responsible for the reception, placement, and care of the statues. A duly authorized state official, usually the Governor, must submit to the AOC:

- a written request to provide a new statue;
- a description of the location in the state where the replaced statue will be displayed after it is transferred back to the state; and
- a copy of the applicable enacted state legislation authorizing the replacement.

Once the replacement request is approved, in order to carry out the replacement of a statue in Statuary Hall, the state must enter into an agreement with AOC that the state will:

- follow AOC guidelines for the design and fabrication of the statue; and
- pay any costs related to the replacement, including costs in connection with the design, construction, transportation, and placement of the new statue, the removal and transportation of the statue being replaced, and any unveiling ceremony.

Billy Frank Jr. Billy Frank Jr. was born in Washington on March 9, 1931, and was a Nisqually tribal member. He was known for his commitment to protecting the endangered salmon and the treaty rights guaranteed to Washington tribes and tribal members to fish at all usual and accustomed grounds and stations. Billy Frank Jr. helped to organize "fish-ins" and demonstrations to reassert the tribal fishing rights reserved in the treaties. These events

eventually led to what is known as the "Boldt Decision" in *United States v. Washington*, a 1974 federal court case that reaffirmed tribal rights.

Billy Frank Jr. served as Chair of the Northwest Indian Fisheries Commission for nearly 30 years. He was involved in the Nisqually Tribe's work in conjunction with the federal government to remove the dike system that held back seawater and restore the Nisqually River Delta. In 1974, the Nisqually National Wildlife Refuge was established to protect the delta and was later renamed after Billy Frank Jr. in honor of his work.

Billy Frank Jr. received several awards, including the Common Cause Award for Human Rights Efforts, the Albert Schweitzer Prize for Humanitarianism, the American Indian Distinguished Service Award, the Wallace Stegner Award, and the Washington State Environmental Excellence Award. In 2015, Billy Frank Jr. was posthumously awarded the Presidential Medal of Freedom by President Barack Obama. Billy Frank Jr. died on May 5, 2014, at the age of 83.

Whitman Mission. In 1836, Marcus Whitman established the Whitman Mission in Waiilatpu located along the Oregon Trail. The Whitman Mission National Historic Site is located approximately seven miles west of Walla Walla, Washington.

Summary of Bill: The Legislature expresses its request that the statue of Marcus Whitman be removed from the National Statuary Hall Collection and replaced with the statue of Billy Frank Jr.

The Governor must select a county in the state where the Marcus Whitman statue will be displayed after it is removed and returned to the state. The selected county must be a county that contains the historical location of the Whitman Mission. The legislative body of the county must approve the location within the county where the statue will be sited. The Governor, acting on behalf of the state, and the selected county shall enter into an agreement for the transfer of ownership of the Marcus Whitman statue.

By September 30, 2021, the Governor must send the AOC a written request to remove the Marcus Whitman statue and replace it with a Billy Frank Jr. statue. The notice must include:

- a description of the location where the Marcus Whitman statute will be displayed;
- a copy of the enacted legislation authorizing the replacement; and
- notification that the Billy Frank Jr. National Statuary Hall Selection Committee (Committee) will act on behalf of the state in the replacement process.

The Committee is established to represent the state in carrying out the replacement process. The Committee consists of the following members, who shall select the chair of the committee:

- the Governor, or Governor's designee;
- the Lieutenant Governor;

- the Speaker of the House of Representatives;
- the minority leader of both the Senate and the House of Representatives;
- two members representing the Western Washington treaty tribes, appointed by the Governor after consideration of the three nominees solicited from the Northwest Indian Fisheries Commission;
- one member representing an environmental, conservation, or environmental justice nonprofit organization, appointed by the Governor;
- one member from Billy Frank Jr.'s family, appointed by the Governor;
- one member from the Washington State Legacy Project;
- one member from the Division of Archives and Records Management;
- one member from the Washington State Historical Society;
- one member from the Washington State Department of Archeology and Historic Preservation; and
- one member from the Washington State Arts Commission.

Upon approval of the replacement request by the Joint Committee on the Library of Congress, the Governor must convene the Committee. The Committee must:

- enter into an agreement with the AOC to carry out the replacement process;
- select and contract with a sculptor to design and carve or cast a statue of Billy Frank Jr., and design and fabricate its pedestal;
- ensure that the statue designed and created complies with the AOC guidelines;
- arrange for the removal, transportation, and an unveiling ceremony at the relocation site for the Marcus Whitman statue;
- arrange for the transportation, placement, and one or more ceremonies to celebrate the unveiling of the Billy Frank Jr. statue; and
- perform all other matters necessary to complete the replacement process.

The Committee may accept gifts, grants, or endowments for the purpose of carrying out its responsibilities in the replacement process. However, no general fund resources may be used to carry out the replacement process. The Billy Frank Jr. National Statuary Hall Collection Fund is created in the custody of the State Treasurer, where all gifts, grants, or endowments must be deposited. The fund is subject to allotment procedures, but an appropriation is not required for expenditures.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Billy Frank Jr. is a man who carries the history and reflects what Washington does best, recognizing that every voice matters. He

went all across Washington to talk about how we can work together. No one said it better than the Olympian editorial which said Billy's legacy belongs to the whole world but Billy was one of us, he transformed our community and our state. Knowing about him is essential to our sense of place, our community, and state identity which is why we should put a statue of him in our nation's capital. Washington State is proud of its relationship between tribes and the state and communities and Billy was key player to making that happen. The main focus is about education to ensure that the people of Washington know who Billy Frank Jr. was. He would not want any of this, but he would want for us to continue his message and tell our story to protect the beautiful state of Washington and the rivers, streams and salmon.

There are a number of great leaders who came from humble beginnings and for natives those beginnings came from the need for food and the right to hunt, fish, and gather in accustomed places. Billy was a simple fisherman just trying to make a living exercising his treaty rights. His life work was dedicated to making sure the salmon people relied on are available for future generations. Billy said, I am not a policy person, I am a getting arrested person. He went to jail over 50 times to protect those rights and get us to where we are today. Billy Frank Jr. was a legendary Washington civil rights leader. Through his decades of work and activism we learn about the story of our state, not just the narrative that is easy, but the parts that are hard and challenging, we learn about the importance for standing up for what is right and just even when facing persecution. The treaty rights that he engaged in is historic and very influential. One of the things that was an important part of the Boldt decision was the idea of co-management as Billy was not only working for the salmon but the first people of Washington and beyond to have sovereignty restored and respected as was meant through the treaties.

It is not an accident that he won the presidential medal of freedom, our nation's highest award to civilians, and other prestigious awards, it is because he was a great man. The accolade list is long as he has impacted so many people. Billy was a proud barer of Indian tradition and a willing translator across cultures, a fearless advocate for what was good for his peoples interest and the planets interest which in the end he argued was good for the greater public's interest. Regarding culverts and the state's reticence to pay for salmon passages, he said we can be in the courts for years or we can sit down and talk about what we can afford and get started, the stakes are too high to compromise, always push and find a way to keep moving forward. Many of his adversaries became his advocates and his ability to bring people together is his legacy. He listened to those with different opinions and found a way to move forward to save the Nisqually, the salmon, and Puget Sound. He taught me that enduring change results not from heavy handed regulation but from uniting diverse interests behind a common plan.

This is a retirement of Dr. Whitman's statue with replacement of someone worthy of the honor. Bringing home Marcus Whitman and returning him to his homelands of Walla Walla is important to honor his history and teaching. This is a time to rise up the next generation and celebrate a Billy Frank Jr. who is nationally and internationally known and

teach the next generation what it means to come together as one. His contemporary contributions makes him a more relatable figure for younger generations. A statue of this son of Washington State, one of the finest this planet has to offer, would add a spirit of someone who knew how to heal a fractured world. He represents how we should aspire to be in our future. Going into the future when countless school children and Washingtonians see the statue they will stand tall and proud. Honoring him allows more people to learn about the history and our state story and let people see a familiar face and recognize the role of native people as original stewards of the land. The family and Nisqually tribe is honored to have one of their own represent all of the tribes in Washington and Indian Country in the Statuary Hall.

Persons Testifying: PRO: Representative Debra Lekanoff, Prime Sponsor; Martha Kongsgaard; Bill Bryant, Nisqually Watershed Alliance; Alyssa Macy, Washington Environmental Council; Washington Conservation Voters; Sakara Remmu, Washington Black Lives Matter Alliance; Tabatha de la Rosa Gomez, Centro Latino; Denny Heck, Lieutenant Governor; W. Ron Allen, Jamestown S'Klallam Tribe; Leonard Forsman, Suquamish Tribe; Glen Gobin, Tulalip Tribes; Willie Frank, Nisqually Tribe; Rowland Thompson.

Persons Signed In To Testify But Not Testifying: No one.