

HOUSE BILL REPORT

ESHB 1372

As Passed House:

March 8, 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:

Committee Activity:

State Government & Tribal Relations: 2/1/21, 2/4/21 [DPS];
Appropriations: 2/16/21, 2/17/21 [DPS(SGOV)].

Floor Activity:

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

Brief Summary of Engrossed Substitute Bill

- Expresses the Legislature's request to the United States (U.S) 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.
- Establishes the Billy Frank Jr. National Statuary Hall Selection Committee to act on behalf of the state in carrying out the replacement process.
- Requires that, after a county is selected as the relocation site for the

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.

Marcus Whitman statue, the Governor and the selected county enter into an agreement for the transfer of ownership of the Marcus Whitman statue.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan, Graham and Gregerson.

Staff: Desiree Omli (786-7105).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 1 member: Representative Chandler.

Minority Report: Without recommendation. Signed by 3 members: Representatives Corry, Assistant Ranking Minority Member; Boehnke and Rude.

Staff: Heidi Cao (786-7157).

Background:

National Statuary Hall Collection.

The creation of the National Statuary Hall Collection was authorized by the United States (U.S.) Congress in 1864 to allow each state to provide two statues of notable citizens for display in the U.S. Capitol. The National Statuary Hall Collection comprises 100 statues contributed by the 50 states. Washington has donated two statues to the National Statuary Hall Collection: a statue of Marcus Whitman was donated in 1949, and a statue of Mother Joseph was donated in 1977. Replicas of these statues are found in the north vestibule of the state legislative building.

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 if: (1) the request has been approved by a resolution adopted by the Legislature of the state and approved by the Governor of the state; and (2) the statue to be replaced has been displayed in the U.S. Capitol for at least 10 years as of the time the request is made unless a waiver is provided.

The resolution adopted by the state Legislature must:

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

A duly authorized state official, usually the Governor, must submit to the Architect of the Capitol (AOC) a written request to provide a new statue, and must include a description of the location in the state where the replaced statue will be displayed after it is transferred back to the state, a copy of the applicable enacted state legislation authorizing the replacement, and whether a committee has been authorized to act on the state's behalf in the process.

Once the replacement request is approved by the Joint Committee on the Library of Congress, the state must enter into an agreement with the AOC. The agreement guides the replacement process and consists of the state's commitment to follow the AOC guidelines for the design and fabrication of statues and to take responsibility for costs associated with the replacement process.

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 his efforts to protect the treaty rights guaranteed to Washington tribes and tribal members. The treaties contained language which secured for the tribes the right 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 that were 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 to harvest salmon and steelhead and established treaty tribes as co-managers of Washington fisheries.

Billy Frank Jr. served as Chair of the Northwest Indian Fisheries Commission for nearly 30 years. He was involved in the restoration of the Nisqually River Delta, a project which removed the dike system that held back seawater and was a step in the recovery of habitat for wildlife. In 1974 the Nisqually National Wildlife Refuge was established to protect the delta and the diversity of fish and wildlife habitats.

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 2006 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 reached the Columbia River and opened the Whitman Mission in Waiilatpu. The Whitman Mission was located along the historic Oregon Trail, and was a frequented rest stop for many westward migrating groups. Over time, the Whitman Mission expanded gradually to include the establishment of large complexes. Today, the Whitman Mission National Historic Site marks the historic site of the Whitman Mission and is located approximately 7 miles west of Walla Walla, Washington.

Summary of Engrossed Substitute 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 Billy Frank Jr. National Statuary Hall Selection Committee (Committee) is established to represent the state in carrying out the replacement process. 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 and transportation of the Marcus Whitman statue to Washington;
- arrange for an unveiling ceremony at the relocation site for the Marcus Whitman statue;
- arrange for 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 consists of the following members, who shall select the chair of the committee:

- the Governor or his or her designee;
- the Lieutenant Governor;
- the Speaker of the House of Representatives;
- the minority leader from the Senate and the minority leader from the House of Representatives;
- two members representing the Western Washington treaty tribes, appointed by the Governor;
 - the Governor must solicit three nominees from the Northwest Indian Fisheries

Commission;

- one member representing an environmental 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 state 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 Arts Commission.

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 receipts from any gifts, grants, or endowments received by the committee, as authorized under the act, must be deposited.

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, and must notify the AOC that the Committee is authorized to act on behalf of the state in the replacement process. 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.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (State Government & Tribal Relations):

(In support) Billy Frank Jr. is part of the rich history of Washington, which emanates from indigenous territories. Having a statue of Billy Frank Jr. in the U.S. Capitol would provide a space to share the story of the first people of Washington and also of who Washingtonians are, which is an important story to tell during this time of healing and unification. His recognition is a reminder that the state is One Washington. Washington leads the nation in tribal relations because Billy Frank Jr. helped to foster positive relationships across the country among public, private, and nonprofit entities. He was a public servant who knew

how to heal a fractured world.

Billy Frank Jr. was an unflinching advocate of the tribal rights movement. He tested the legal system in a way that led to the "Boldt Decision," which impacted Washington's natural resources forever. After the end of the fishing wars, which led to Billy Frank Jr. being beaten and jailed, he was the first one to reach out and found ways to bring representatives from corporations, environmental communities, and the agricultural industry into the same room to find common ground and ways to navigate around their differences. When tribal treaty rights were circumscribed because of racism and misunderstanding, Billy Frank Jr. advocated for the notion that environmental interests is the public's interest. He went from being known as the "arrest guy" to one of the greatest peace makers.

Billy Frank Jr. advocated for clean water, sustainable salmon runs, and a healthy environment. His passion for fishing on the Nisqually River taught him about the importance of preserving the habitat to make fishing for salmon sustainable for future generations. Few people understood the danger of salmon habitats, but Billy Frank Jr. helped to educate the public about preserving natural habitats for all wildlife, including salmon and the orcas that rely on the salmon.

Billy Frank Jr. was not only a tribal rights advocate, he also fought for a fair system and a more just world, advocating for civil rights and to make Washington more inclusive. Seeing a person of color being honored for their work and resilience offers assurance that the efforts of people of color will not go unnoticed. Billy Frank Jr. was a veteran, a great human being, a nominee for the Nobel Peace prize, and a recipient of numerous awards. It is time to recognize the indigenous leaders of this nation.

This bill not only raises Billy Frank Jr. up for recognition, but also shows respect to Marcus Whitman, and signifies this transition as a "changing of the guard." There are three full-sized Marcus Whitman statutes in various locations, and six quarter size copies in private ownership today.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) The Billy Frank Jr. statue honors his exemplary leadership. It could make a meaningful difference to Washington communities in symbolizing a wholistic representation of history. Tribal leadership is in full support of this bill and is committed to help raising funds for this project.

(Opposed) None.

Persons Testifying (State Government & Tribal Relations): Representative Lekanoff, prime sponsor; Denny Heck, Office of the Lieutenant Governor; W. Ron Allen, Jamestown

S'Klallam Tribe; Leonard Forsman, Suquamish Tribe; Antonette Squally, Nisqually Tribe; Russ Hepfer, Lower Elwha Klallam Tribe; Glen Gobin, Tulalip Tribes; Kathryn Brigham, Confederated Tribes of the Umatilla Indian Reservation; Martha Kongsgaard; Butch Smith; Robb Krehbiel, Defenders of Wildlife; Yaslin Torres-Pena; Rowland Thompson; and Jeremy Takala, Yakama Nation Columbia River Inter-Tribal Fish Commission.

Persons Testifying (Appropriations): Representative Lekanoff, prime sponsor; Leonard Forsman, The Suquamish Tribe; Yaslin Torres-Peña, Centro Latino; and Justin Hall, Nisqually River Council.

Persons Signed In To Testify But Not Testifying (State Government & Tribal Relations): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.