

FINAL BILL REPORT

ESHB 1372

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Synopsis as Enacted

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).

House Committee on State Government & Tribal Relations
House Committee on Appropriations
Senate Committee on State Government & Elections

Background:

National Statuary Hall Collection.

The creation of the National Statuary Hall Collection (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 Collection consists of 100 statues contributed by the 50 states. Washington has donated two statues to the Collection. In 1949, legislation was enacted to designate Marcus Whitman as the first person from the state to be commemorated in the Collection. A statue of Marcus Whitman was donated in 1953. In 1977, Washington enacted legislation naming Mother Joseph as the second person who would be commemorated in the Collection. A statue of Mother Joseph was donated in 1980. 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 and approved by the Governor of the state; and (2) the statue to be replaced has been

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displayed in the U.S. Capitol for at least the previous 10 years, or the state is provided with a waiver.

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., a member of the Nisqually Indian Tribe, was born in Washington on March 9, 1931. He is known for his commitment to protecting the endangered salmon and his efforts to protect the treaty rights guaranteed to tribes and tribal members. Treaties between the US government and various tribes of the Pacific Northwest secure the right of tribes 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 secured by those treaties. These events eventually led to what is known as the "Boldt Decision" in *United States v. Washington*, a 1974 federal court case reaffirming tribal rights to harvest salmon and steelhead and establishing treaty tribes as co-managers of Washington fisheries.

Billy Frank Jr. also 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 site of the Whitman Mission, which is located approximately 7 miles west of Walla Walla, Washington.

Summary:

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, with a requirement that the Governor 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, general fund resources may not 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 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 must enter into an agreement for the transfer of ownership of the Marcus Whitman statue.

Votes on Final Passage:

House	92	5
Senate	44	5

Effective: July 25, 2021