



2021 South Dakota Legislature

Senate Concurrent Resolution

Requested by: at the request of the Interim State-Tribal Relations

1 **A CONCURRENT RESOLUTION, supporting the amendment of the Sioux - Dakota**
2 **Removal Act.**

3 WHEREAS, the land located in and around present-day Minnesota was inhabited by the
4 Dakota, Anishinaabe, and Ho-Chunk (Winnebago) Native Americans for thousands of years
5 before European discovery of North America, making these lands, lakes, and rivers the
6 indigenous homes to these tribes; and

7 WHEREAS, on May 11, 1858, the State of Minnesota was established, and with it, came a
8 myriad of settlers encroaching upon the lands of the Dakota people beginning a tenuous treaty
9 process between the United States and the tribes; and

10 WHEREAS, by 1862 the treaties had become strained to the point of conflict due to
11 continued settler encroachment, the delay of United States treaty payments and obligations
12 to the Dakota, and the refusal of traders to sell to the tribes, resulting in starvation on the
13 reservations; and

14 WHEREAS, faced with starvation and sensing a conflict, tribal leaders led an attack on the
15 New Ulm Settlement, and on other local areas, claiming the lives of over five hundred settlers,
16 thereby prompting President Abraham Lincoln to deploy the United States military; and

17 WHEREAS, the military intervention ended in an eventual capture of the tribes and their
18 people, and prompted the largest mass execution in United States history, in which thirty-
19 eight Dakota warriors were executed by hanging by executive order of the President of the
20 United States; and

21 WHEREAS, following the aftermath, in 1863 Congress passed a series of acts to deprive
22 the tribes of their lands, and to force them out of Minnesota; and

1 WHEREAS, the first act being the Act of Feb. 16, 1863, ch. 37, 12 Stat. 652, that annulled
2 all of the treaties with the tribes and directed the moneys originally due to these tribes to
3 Minnesota settlers harmed during the conflict; and

4 WHEREAS, the second congressional act was the Act of Mar. 3, 1863, ch. 119, 12 Stat.
5 819, entitled "An Act for the Removal of the Sisseton, Wahpaton, Medawakanton, and
6 Wahpakoota Bands of Sioux or Dakota Indians, and for the disposition of their Lands in
7 Minnesota and Dakota" that forced the rebellious Dakota Tribes out of Minnesota and deprived
8 them of their treaty lands; and

9 WHEREAS, the descendants of these displaced people are currently members of federally
10 recognized tribes headquartered in North Dakota, South Dakota, and Nebraska; and

11 WHEREAS, these Acts remain federal law to this day, despite the fact that their terms are
12 obsolete, and their existence is a continuing offense:

13 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-Sixth Legislature of the
14 State of South Dakota, the House of Representatives concurring therein, that:

15 (1) The Legislature requests that the President and the United States Congress amend
16 the Act of Mar. 3, 1863, Vol. 12 Stat. at Large, Ch. 119, pp. 819-820 (1863), more
17 commonly known as the "Sioux - Dakota Removal Act", to remove the banishment
18 of the applicable tribes from their ancestral homelands, and that such amendment
19 not affect any property rights originally established through the law nor impact any
20 of the land that was given to any of the tribes during the passage of these removal
21 acts; and

22 (2) The Legislature further requests that the United States of America issue a formal
23 statement of reconciliation to the Dakota Tribes affected by the Sioux - Dakota
24 Removal Act; and

25 BE IT FURTHER RESOLVED, that the clerk of the Senate transmit copies of this resolution
26 to the President of the United States of America, the speaker and clerk of the United States
27 House of Representatives, to the president pro tempore and secretary of the United States
28 Senate, and to the members of the South Dakota, North Dakota, Nebraska, and Minnesota
29 Congressional delegations.