

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

594B0803

SENATE CONCURRENT RESOLUTION NO. 10

Introduced by: Senators Heinert, Foster, Kennedy, and Youngberg and Representative Bordeaux

1 A CONCURRENT RESOLUTION, Urging the United States Congress to amend the Dakota
2 Removal Act of 1863.

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 of these tribes; and

7 WHEREAS, on May 11, 1858, the State of Minnesota was established, and with it, came
8 a 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 treaties had become strained to the point of conflict due to continued
11 settler encroachment, the delay of United States treaty payments and obligations to the Dakota,
12 and the refusal of traders to sell to the tribes, resulting in starvation on the reservations; and

13 WHEREAS, faced with starvation and sensing a conflict, tribal leaders led an attack on the
14 New Ulm Settlement, and on other local areas, claiming the lives of over 500 settlers, prompting
15 President Abraham Lincoln to deploy the United States military; and



1 WHEREAS, the military intervention ended in an eventual capture of the tribes and their
2 people and prompted the largest mass execution in United States history, when thirty-eight
3 Dakota warriors were executed by hanging pursuant to an executive order from the President
4 of the United States; and

5 WHEREAS, in the aftermath, Congress passed a series of acts to deprive the tribes of their
6 lands and to force the tribes out of Minnesota; and

7 WHEREAS, the first was the act passed on February 16, 1863, cited at ch. 37, 12 Stat 652,
8 that annulled all of the treaties with the tribes and directed the moneys originally due to these
9 tribes to Minnesota settlers harmed during the conflict; and

10 WHEREAS, next the act passed on March 3, 1863, cited at ch. 119, 12 Stat 819, entitled,
11 An Act for the Removal of the Sisseton, Wahpaton, Medawakanton, and Wahpakoota Bands
12 of Sioux or Dakota Indians, and for the disposition of their lands in Minnesota and Dakota, that
13 forced the rebellious Dakota Tribes out of Minnesota and deprived the tribes of their treaty
14 lands; and

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

17 WHEREAS, these acts remain federal law to this day, despite the fact that the terms are
18 obsolete and the presence of these acts are a continuing offense upon the affected tribes:

19 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-Fourth Legislature
20 of the State of South Dakota, the House of Representatives concurring therein, that the
21 Legislature requests that the President and the United States Congress amend the Act of
22 February 21, 1863, ch. 53, 12 Stat 658, and the Act of March 3, 1863, ch. 119, 12 Stat 819, to
23 allow for the return of the applicable tribes to their ancestral homelands, and that these
24 amendments be accomplished in a manner as to not interfere with any of the land that was given

1 to any of the tribes during the passage of these removal acts; and

2 BE IT FURTHER RESOLVED, that the South Dakota Legislature further requests that the
3 United States of America issue a formal statement of reconciliation to the Dakota Tribes
4 affected by these acts; and

5 BE IT FURTHER RESOLVED, that the secretary of the Senate transmit copies of this
6 resolution to the President of the United States of America, the speaker and clerk of the United
7 States House of Representatives, to the president pro tempore and secretary of the United States
8 Senate, and to the members of the South Dakota, North Dakota, Nebraska, and Minnesota
9 Congressional delegations.