

2020 South Dakota Legislature

Draft 390

Requested by: **Representative** Bordeaux at the request of State-Tribal Relations

1 **A CONCURRENT RESOLUTION, supporting the repeal of the Sioux - Dakota Removal**
2 **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

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

1 WHEREAS, the second congressional act was the Act of Mar. 3, 1863, ch. 119, 12 Stat.
2 819 entitled "An Act for the Removal of the Sisseton, Wahpaton, Medawakanton, and
3 Wahpakoota Bands of Sioux or Dakota Indians, and for the disposition of their Lands in
4 Minnesota and Dakota" that forced the rebellious Dakota Tribes out of Minnesota and deprived
5 them of their treaty lands; and

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

8 WHEREAS, these acts remain federal law to this day, despite the fact that their terms are
9 obsolete, and its presence is a continuing offense; and

10 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-Fifth
11 Legislature of the State of South Dakota, the Senate concurring therein, that the Legislature
12 requests that the President and the United States Congress repeal the Act of Mar. 3, 1863,
13 Vol. 12 Stat. at Large, Ch. 119, pp. 819-820 (1863), more commonly known as the "Sioux -
14 Dakota Removal Act", to remove the banishment of the applicable tribes from their ancestral
15 homelands, and that the repeal would not affect any property rights originally established
16 through the law nor impact any of the land that was given to any of the tribes during the
17 passage of these removal acts; and

18 BE IT FURTHER RESOLVED, that the clerk of the House of Representatives transmit copies
19 of this resolution to the President of the United States of America, the speaker and clerk of
20 the United States House of Representatives, to the president pro tempore and secretary of
21 the United States Senate, and to the members of the South Dakota, North Dakota, Nebraska,
22 and Minnesota Congressional delegations.