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MN 2023 State & Local Government and Elections Finance Conference Committee
(HF1830/SF1426)

May 1, 2023

Dear Conferees:

Please remove Section 38. Minnesota Statutes 2022, section 307.08 as it appears within the 1st Unofficial Engrossment printed on April 21, 2023. As written, the changes do not provide for adequate identification, care, and known unmarked burials of massacre victims related to the U.S. – Dakota War of 1862. Due to nonprofit Minnesota Historical Society and the State’s Department of Natural Resources and Department of Transportation, it is likely that murder victims are located within “Tribal Nation reservations.” (new language proposed within subdivision 1).

Changes proposed will create turmoil and irreversible restrictions regarding the protection of human remains of war victims. Minnesota is unlike any other State being the home of a war between the United States and a foreign nation in 1862. Tribal reservations are separate from state land. There are likely United States civilian and military war dead resting in graves on Tribal land. Proposed changes do not provide provisions for these victims.

For example, It is a known fact that civilian victims of war and torture exist in unmarked graves based on 19th century research and U.S. Army records. State law 2017 Ch. 54 Sec. 23 provided for the transfer of state land to Tribal Reservation, however, this land contains victims’ remains per research and records. During the transfer process, historians and descendants of massacre victims contested the transfer. During public comment, MNHS contested the validity of documentation provided by the public and the DNR did not consult the Office of the State Archaeologist or the State Historic Preservation Office.

Proposed changes in Section 38 of the Omnibus State Government bill do not include special address to victim remains from the U.S. – Dakota War of 1862. Referred to as the 2nd Civil War, more than 800 were killed. Of those were 650 civilian casualties.

Victims’ remains continue to be discovered. In 1891, the bodies of the Kochendorfers were found by a man digging post holes for a fence. Sarah and parents Catherine and Johan were massacred by Dakota Indians on August 18, 1862. John, the eldest of the children, had the remains laid to rest at Oakland cemetery in St. Paul.

Without special designation, other victims’ remains are at risk. Minnesota is unlike any other state being it was the location of a war between the United States and a foreign nation.

Additional provisions need to be taken to protect victims of genocide and war within the boundaries of Minnesota including Tribal Reservations within the confines of 307.08. At this time, there are no special considerations taken for future discoveries of human remains resulting from war.

As written, there are no provisions for State investigation of human remains on Tribal Reservations. The opposite is proposed, refusing the State any right to investigation. Grieving or commemorative events are also restricted per language while tribal members are permitted to trespass should they believe a grave exists on personal property and infringes on U.S. and Minnesota constitutional rights.

Section 38 has not considered Minnesota's war history and needs to be removed from policy consideration for 2023. This is not to deter or related to other financial appropriations provided to the Office of the State Archaeologist for cemetery and burial inventories. Request for removal is for protection of war victim human remains throughout Minnesota with a special focus on the Minnesota River Valley and adjoining counties.

Pulitzer prize winner, author, and historian James McPherson stated, "The Wood Lake Battlefield is as important to understanding this civil war as Gettysburg is to understanding the larger conflict." Wood Lake Battlefield in Yellow Medicine County is a few miles from the Minnesota River. On September 23, 1862, a battle ensued between Dakota and U.S. Government forces. At day's end, the Dakota surrendered and upwards of 300 civilians were released. The surviving Kochendorfer children were among the released, John, Maggie, Kate and Rose.

Thank you,



Stephanie Chappell

Resources: DNR Environmental Assessment for Lower Sioux Agency

[Home Page](#)

Public comment [7 Unmarked burial map](#)

Inaccurate burial location [See Comment 7A](#)

State Historic Preservation Office [Adverse Effect Confirmed](#)

See also: Map of murders submitted by commenter 7 on page 48 in the book, [Through Dakota Eyes Narrative Accounts of the Minnesota Indian War of 1862](#) edited by Gary Clayton Anderson and Alan R. Woolworth, published in 1988 by Minnesota Historical Society Press.

Enclosure: StarTribune commentary, Dec. 26, 2022 Counterpoint We Should Also Remember Other Victims of 1862 by historian Curtis Dahlin.

Counterpoint: We should also remember other victims of 1862

The 650 men, women and children deserve our thoughts, too.

By Curtis Dahlin

DECEMBER 29, 2022 — 5:45PM

Opinion editor's note: *Star Tribune Opinion publishes a mix of national and local [commentaries](#) online and in print each day. To contribute, click [here](#).*

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In "Riders share history's burden" ([Dec. 27](#)) the Star Tribune reported about Dakota Indians riding to Mankato and gathering there on Dec. 26, the anniversary of the hanging of 38 Dakota in 1862. Gov. Tim Walz was in attendance, and he apologized to the Dakota for the hanging of the 38 and for the removal of Dakota from Minnesota. But there is more to the story, as Walz, a former teacher, knows.

In 1862, the Dakota were unhappy and angry over their situation for a variety of reasons. By 1862, they had sold most of their land to the U.S. government. By mid-August, grievances came to a head among the Dakota, and some decided to wage war on settlers along the Minnesota River valley.

Early in the morning of Aug. 18, 1862, Dakota attacked the Lower Sioux Agency and then settlers who were living near them in Renville and Brown Counties. The Dakota's attacks that day were devastating, resulting in the killing of about 265 mostly unarmed men, women and children. Five Dakota warriors were killed. In the following days, the Dakota attacked Fort Ridgely twice and the town of New Ulm twice, but they were unable to take either place.

Ultimately, 650 whites were killed. Among them were 40 adult women and 100 children age 10 or under, including infants. Some were killed with great brutality, which particularly enraged the white population. In addition, the Dakota took about 150 white women and children captive, along with many mixed-bloods.

By the end of the conflict some 100 Dakota warriors were killed, but no Dakota women or children.

Gov. Alexander Ramsey learned of the attacks on the settlers on Aug. 19, and he selected Henry Sibley to lead the military response and stop the killing. Things got off to a rocky start for Sibley when on Sept. 2 and 3, a large burial party he had by then dispatched was badly mauled by the Dakota at the battle of Birch Coulee. Sibley continued to gather his force, and on Sept. 23 he defeated the Dakota at the Battle of

Wood Lake. Three days later, he freed the captives at what became known as Camp Release.

Sibley established a military commission to try those Dakota who were accused of crimes. Nearly 400 were tried, with just over 300 being convicted of capital offenses. The trials were brief and the Dakota were not represented by counsel. But neither were Civil War soldiers accused of crimes. It was a different time. White settlers were clamoring for justice, and after the war ended, had made several attacks on Dakota prisoners, killing three.

President Abraham Lincoln had his staff review all the trial transcripts. He cut the number to be executed to 39, and one late reprieve brought the number to 38. Lincoln spared the lives of 265 convicted Dakota.

The 38 were hanged at Mankato on Dec. 26, 1862. It was the largest mass execution in U.S. history, in response to the deadliest Indian uprising in U.S. history.

In November 1862, about 1,600 Dakota dependents were taken to a camp at Fort Snelling. Here they were humanely treated, fed soldier's rations and protected from revenge-minded whites, of whom there were many. While at least 100 Dakota died in the camp from disease that winter, the same type of disease toll was taking place in the white community. The following spring, many but not all Dakota were shipped out of the state, to ensure none could resume killing settlers.

The war was the most significant and tragic event in Minnesota's history. If violence were to erupt today killing the same proportion of the state's population, there would be some 18,000 dead.

So governor, we know your feelings about the 38. What are your feelings about the 650 who were murdered? Are they worthy of being mentioned and remembered? Since this is now a public issue, I would request that you respond in a public setting.

Curtis Dahlin lives in Roseville.