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Minnesota Senate State and Local Government and Veterans Policy and Finance Committee

March 30, 2023

Dear Members:

SF1426 includes unsupported spending and policy that has not received public comment in a singular committee that will change statute to benefit few Minnesotans. All pages and lines are taken from the A4 PDF printed on 29 March at 10:13 pm. Topics address three provisions dealing with MN Historical Society operations appropriations and one discussing 307.08 Cemeteries policy.

**Article 1 Section 24 Minnesota Historical Society Subd. 2 Operations and Programs (page 17, line 17.8)**

The base operating amount given to MNHS is exorbitant given MNHS can no longer preserve and protect Minnesota history and related historic sites. MNHS has given away Lower Sioux Agency Historic Site and more than 20 unmarked graves of victims of mass violence and is poised to complete the project with general fund appropriations; has permanently closed two historic sites unrelated to covid (Harkin Store and Fort Ridgely) against local requests to remain open; has abandoned others due to conflicted interpretation demands within the nonprofit; and is spending hours working to transfer state asset Upper Sioux Agency Historic Site to an Indian tribe (and the nonprofit has no ownership of the Site). This is cause for reduction to MNHS's budget. Likewise, MNHS began charging \$6 per vehicle at Historic Fort Snelling making the Site inaccessible for free admission with free parking at least 1 mile away – no other publicly owned historic site charges for parking. \$6 generates thousands that need to be reduced from state aid. As there has been no committee review of this budget, there is no way for the public to be informed of amounts MNHS will use to cover Union organization fees due to employees vote to unionize. Proper request and review of this nonprofit's request is dire to support \$26 million for a nonprofit budget that has been quietly closing history and defaming characters of Minnesota history while posing as the "Minnesota Historical Society."

In May 2022, MNHS trespassed a visitor for opinions related to Henry Sibley. In reports to Sheriff's deputies, MNHS employee Ben Leonard gave false statements regarding the person's appearance on the public property resulting in litigation where MNHS walked back its statements. In November 2020, MNHS employees Kevin Majjala and Kate Beane urged members of a school district to change the name of the high school because a "Dakota woman" could not support Sibley and offered the book Mni Sota Makoce as one to read even though the two knew the book contained a gross error about Sibley on page 195. In September 2022, the book was corrected on items referring to Ramsey and Sibley however, no notice was given to the public in version, copyright, or cover identifying the errors and corrections. These actions illustrate MNHS's inability to preserve and protect Minnesota history and must be addressed via a reduction in state support of this nonprofit.

**Article 1 Section 24 Minnesota Historical Society Subd. 2 Operations and Programs (b) \$19,227,000 capital improvements... (page 17, lines 17 to 25) Amount \$19,277,000**

MNHS has proven it cannot attend to state asset preservation needs before its own needs. As written, the \$19,277,000 applies not to state assets but to assets privately owned by MNHS. Analysis of previous "need" identified by MNHS included an elevator in the nonprofit's Mill City Museum property. At the

same time, state asset Fort Snelling crumbled because the nonprofit could not see that Minnesota's oldest manmade structure – Round Tower – was in dire need of preservation and was closed to visitors because of this. As written, MNHS is not required to spend funds on “state assets” meaning the nonprofit can again spending millions on its privately owned properties. This is use of public funds for private gains. MNHS needs to be held accountable for its own preservation and repairs or surrender ownership of its properties to the state of Minnesota. Additional wording must be included to protect state assets, in line 23 and 24: “The Society shall determine project priorities as appropriate with priority given to publicly owned assets and those properties’ needs” would eliminate MNHS’s fraudulent use of public funds to improve its own buildings. If MNHS cannot abide by this provision, all preservation funds should be at the discretion and use by State Historic Preservation Office, Department of Administration as this is the office equipped to address all state assets of a historic nature. Nonprofit MNHS is not equipped with any professional license to address properties on the National Register of Historic Places.

Removal of “landscaping” must also be removed. MNHS installed artwork at publicly owned Historic Fort Snelling after removing it from the revitalization plans. The artwork continues intimidation from 1862 in the form of crows, religiously significant to some Dakota Indian tribes. However, a crow totem was placed on a murder victim in 1862 to evoke fear and flight from civilians. Jerry Quane’s body was decorated with the body of a crow when found after the Battle of New Ulm. This and other derogatory features were included as “landscaping” and have no positive effect to descendants of murder victims in the Minnesota Massacre and U.S. – Dakota War of 1862. MNHS refuses all conversations with concerned parties.

“Markers and monuments” needs to be removed. MNHS has engaged in a campaign to remove and replace all markers according to the nonprofit’s liking, not to neutral description. For example, settler colonists has replaced settlers and other markers have been altered to a single viewpoint approved by the nonprofit’s Native American department. MNHS has lost its ability to remain neutral and provide multiple views of Minnesota history. No amount of funding will change the nonprofit’s organizational mission.

**Article 1 Section 24 Minnesota Historical Society Subd. 3 Fiscal Agent (page 17 and 18 lines 28 to page 18 line 8)**

MNHS is a nonprofit organization. Under Minnesota’s data privacy law, no one is permitted to review any documents without MNHS approval/permission. It is unfathomable that the State allows a nonprofit to serve as agent for other nonprofit organizations. This middle man earning capacity needs to be cut out of the budget and installed with the Department of Administration. The nonprofits saddled to the demands of MNHS should not be punished.

**Article 2 Miscellaneous Policy Section 43 ...Cemeteries... (pages 54 to 61, lines 54:28 to 61:4)**

No committee has heard a bill addressing 307.08. There has been no adequate public input and no hearing in the Senate devoted to the topic. Changes proposed reflect only those addressing non-American Indian graves and a federal Act providing for repatriation of American Indian remains. There is no update to provisions for non-American Indian graves. Changes to produce equality for treatment of all remains is needed to this statute.

Proposed changes limit involvement of State offices and empower tribal governments from the onset any human remains are found anywhere including private property. Changes do not allow property owners to refuse tribal representatives from entering their land as a tribe can claim it is investigating human remains. State officials need the same rights as do tribal governments. This statute is extremely important due to

Minnesota's 1862 War and the hundreds of civilians who lie in unmarked graves, known and unknown, marked and unmarked.

As it stands, the statute is often ignored even after the statute is brought to the attention of the property owner or manager. Statute calls for disclosure of graves or suspected graves upon sale of property. This doesn't happen. In 2021, MN Historical Society failed to disclose the unmarked graves of more than 20 victims of the Minnesota Massacre and U.S. – Dakota War of 1862. Having documentation in its possession and being notified by the public through the DNR's Environmental Assessment Public Comment Period, MNHS refused to comment on the graves.

State 307.08 strongly suggests known burial grounds be marked to alert the public of human remains. MNHS again, refused to mark the known location of unmarked burials on property it managed and later claimed ownership for over 50 years.

These are just two examples from a 2021 transaction of publicly-owned property where state appointed entities blatantly failed to abide by statute 307.08. This proves a hearing on the topic with public input is vital to any changes before a section is devoted in an omnibus bill.

The sensitive nature of Minnesota's 1862 War demands Minnesota be compassionate to all victims of the war including civilians. The federal NAGPRA provides nothing to civilian war victim remains.

Specifically within SF1426, "appropriate authority" must be defined at each installation in the proposed statute. The vague term itself creates confusion. The current proposal does not permit the State Archaeologist to assess the identity of the remains, only the ethnic, cultural, or religious affiliation. US – Dakota War murder victim descendants deserve more information including thorough attempts to identify each individual via any funerary objects found such as clothing, eyeglasses, jewelry, or artifacts.

Conditions created by the nonprofit Minnesota Historical Society and Minnesota's History highlight the dire need for a State Grave Protection Act. War victim descendants have been notified long after the war, however, there has been no public fund available to reburial remains. Luckily, after remains identified as the Kochendorfer's were discovered in 1891, their eldest surviving child, John, reinterred his parents's remains at Oakland Cemetery in St. Paul. In another instance during 1862, a child was left to die near a creek in Renville County and has yet to be discovered for burial.

Your recalculations and deletions as noted above will improve life for hundreds of silent Minnesotans, descendants of the Minnesota Massacre and U.S. – Dakota War of 1862. I thank you for speaking up for us.

Sincerely,

  
Stephanie Chappell

Encl. StarTribune commentary, Dec. 26 Counterpoint We Should Also Remember Other Victims of 1862

# 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.*