

## THE POLITICS OF EXECUTION: THE HANGING OF THE SIOUX

Mara Rutten

*Mara Rutten is a graduate student at Southern Illinois University—Carbondale. This paper, looking at the political pressures surrounding the execution of Sioux Indians in 19th century Minnesota, was presented at the Phi Alpha Theta Regional Conference in April, where it was judged the best graduate paper in American history.*

**N**ovember 26, 1862 was an unusually warm day in Minnesota, a day conducive to accumulating a crowd. For settlers of southern Minnesota, however, even a blizzard would not have kept the estimated 4,000 of them from travelling to Mankato to witness justice being served. After months of waiting and repeated delays, 38 Dakota Indians would hang for the deaths of over 700 of the Minnesotans' families, neighbors and friends.

Within the prison walls, the condemned sat in pairs, smoking their pipes in silence. The Reverend Father Ravoux spoke to them of courage to face the gallows, and more important, of courage to face their Creator. As he spoke, the prisoners began singing their death song, filling the room. The effect was "almost magical. Their whole manner changed after they had closed their singing, and an air of cheerful innocence marked all of them. It seemed as if during their passionate wailing, they had passed in spirit through the valley of the shadow of death, and already had their eyes fixed on their pleasant hunting grounds beyond."<sup>1</sup> They shook hands with all around them, and spoke of their condemnation as the end of a struggle—they were to go to the Great Spirit who would lead them home, and they would die happy.

The awaited hour finally came, and the Dakotas went willingly—one reporter believed a notice of reprieve could not have been more welcomed.<sup>2</sup> Once again the death wail started as the prisoners climbed the gallows, actually crowding on each other's heels. The nooses were placed around their necks, the

white caps placed over their heads, and still they continued their song, swaying back and forth rhythmically. In order to sustain each other, they called out the names of their comrades, as well as their own names, shouting, "I am here. I am here," while they reached for each other's hands. They were very close together, and many succeeded in finding comfort in their comrades, though one old man was unable to grasp a hand, and his struggles for camaraderie aroused the pity of several observers. Still, the song continued until the rope was cut, and 38 Dakota Indians dangled from the gallows.

This day marked one of the saddest occasions in American history, certainly one of the worst days in the history of United States-Indian relations. After four hundred years of stolen land, unequal bartering, and assaults to their pride and humanity, the Dakota Sioux Indians rose up against the Minnesota settlers in the largest Indian massacre in history, the "Great Sioux Uprising," or Sioux War. They razed the land, leaving little standing in their path. They killed men, women, and children indiscriminately, scalping and mutilating the bodies, setting fire to houses, and looting the provisions of towns and farmhouses throughout the land. Whole families disappeared, and within a week southern Minnesota was completely depopulated. Before it was over, 500 settlers and 200 soldiers were killed, and another 300 settlers were taken captive. When it was over, retribution was swift and severe. Thirty-eight Indians would be executed, hundreds more would die, and thousands would be forced from the state they called home.

President Abraham Lincoln would be praised in the years to come for his humanity during this incident, for though he ordered the largest mass execution in United States history, he commuted the sentences of 265 of the 303 Indians the Minnesotans had originally condemned. Minnesotans, too, would be praised for the self-control they exhibited toward the prisoners who remained in their custody for half a year. But the politics involved in the ordering of the executions and subsequent removal had little to do with humanity: the thirty-eight condemned were a peace offering to Minnesota citizens. In exchange for the remaining 265 lives, clearly innocent persons—the pardoned Sioux, the elderly, the women and children, as well as the completely guiltless Winnebago tribe—would be expelled from the state and their lands opened to settlement. More innocent lives would be lost in this move than were pardoned by Lincoln. The handling of this incident would also set a precedent for the next 30 years: The

<sup>1</sup> Mankato Record, January 3, 1863.  
<sup>2</sup> *Ibid.*

conflict of rights on the Plains began with the Sioux Massacre of 1862; it would not end until the Massacre at Wounded Knee in 1890.

The news of the condemned had greatly disturbed President Lincoln. It seemed hardly plausible that with only 500 men imprisoned for the uprising—many of them men who had risked their lives in order to return the captives—there would be 303 actually involved in atrocities, especially when the Dakota leader Little Crow and many other admitted perpetrators were not captured at all. Throughout the entire episode, this was the one time Lincoln acted with haste: He immediately asked to see "the full and complete record of their convictions,"<sup>3</sup> delaying the executions until his lawyers could review the cases. During this period, he received constant pressure from different parties nationwide. The most urgent pleas came from General John Pope, Colonel Henry Hastings Sibley, and Governor Alexander Ramsey, who all insisted that if the executions of all of the condemned did not take place—and take place instantly—Minnesotans would take matters into their own hands and "dispose of these wretches without law. These two peoples cannot live together."<sup>4</sup>

The men were not without concern. The journey to the prison at Camp Lincoln in Mankato had been perilous for the prisoners, who were attacked by the citizens as they were transported, causing the death of an infant. More concern, however, was directed toward an organized mob the officials were certain was forming. Most of the rhetoric was exaggerated, but the concern was not without warrant. On December 5, Camp Lincoln was assaulted by a mob of 200 men, who swore the intention of murdering the prisoners, but Colonel Miller, who commanded the guard, took them prisoner instead.<sup>5</sup> Martial law was ordered, but the incident was unique. However, Pope was convinced that just because more incidents had not occurred did not mean they would not, especially if the citizens were provoked by the idea that justice would not be swiftly served. He warned Lincoln that although things were safe for the time being, it was only a matter of time before the situation would be impossible, as

3 Telegram from Lincoln to Pope, November 10, 1862, Abraham Lincoln Papers, Library of Congress.

4 Wilkinson, Cyrus Aldrich and William Windom to Lincoln, Sioux Trial Transcripts, National Archives.

5 Sibley to Elliott, December 6, 1862, *Minnesota in the Indian and Civil Wars* (St. Paul: Pioneer Press Company, 1890).

"the cold weather [makes it] impracticable to protect so large a body of troops and Indians."<sup>6</sup>

Governor Ramsey had another concern and that was the image his new state was presenting to the rest of the country. His proclamation to the people of Minnesota following the Camp Lincoln incident stresses patience less they "disgrace themselves and the State." He sympathized openly with the "hardness of executive action," but reminded the people of their advanced state of civilization and the message they would send to other Indians and whites alike.<sup>7</sup> Ramsey expressed these concerns in his pressure on Lincoln, as well. "It would be wrong," he wrote, "upon principle and policy to refuse this—private revenge would on all this border take the place of the official judgment on these Indians."<sup>8</sup>

The threat of mob violence went beyond military or political concerns, but involved concerns for the Indians—especially the innocent—as well. In his letter to Lincoln, Riggs asked that

no greater punishment should be inflicted upon them than is required by justice. But knowing this excited state of this part of the country—the indignation which is felt against the whole Indian people in consequence of these murders and outrages ... venting itself on the innocent as well as the guilty ... a great necessity is upon us to execute the great majority of them who have been condemned by the Military Commission. This is required as satisfaction to the demands of public justice. It is required also as a guaranty of safety to the women and children and few men who in this great uprising proved themselves loyal to our government and people.<sup>9</sup>

Pressure came from other private citizens as well, but their concerns were not with illegal distribution of justice, or the safety of the Indians, but with simple vengeance for the outrages they had endured. Again and again, these victims wrote Lincoln to detail the instances of rape and murder, and to stress the number of refugees, widows and orphans the Indians' actions had caused. They were murderers, the people wrote, and should suffer the consequences of any murderer. In fact, these Indians were worse than common murderers—they

6 Pope to Lincoln, November 24, 1862, *Minnesota in the Indian and Civil Wars*.

7 Ramsey's Proclamation to the People of Minnesota, December 6, 1862, Alexander Ramsey Papers, Minnesota Historical Society, St. Paul.

8 Telegram from Ramsey to Lincoln, November 10, 1862, Alexander Ramsey Papers.

9 Riggs to Lincoln, November 17, 1862, Stephen Return Riggs Papers, Minnesota Historical Society, St. Paul.

were treacherous because they had deceived the populace into believing they were friendly. The prisoners had been the "civilized" Indians with short hair, wearing white man's clothes and dwelling in brick houses built for them by the government.<sup>10</sup> The crimes were not committed by wild Indians who did not know any better, but by those "who have had advantages, some of religious teachings ... which rendered them entirely competent to judge the criminality of the proceedings ... [they] do not deserve to be treated with the leniency with which entirely wild and ignorant savages might have a claim ...."<sup>11</sup> These Minnesotans further pressed Lincoln by stating that they who had been so loyal to the Union cause wondered about the nation they supported if "the lives of 1,000 loyal whites are of less consequence to the Government of the United States than is [sic] the lives of 300—or 300,000, for that matter—of treacherous savages."<sup>12</sup>

It was also the government's job to teach these "savages" and the "savages" of other tribes a lesson. Part of the reason the outbreak occurred, cried many, was that the last group to cause trouble on the frontier had not been punished by the Government. In 1857, Inkpaduta's band had killed 30–40 whites in Northern Iowa and Southern Minnesota in the Spirit Lake Massacre. Because of inclement weather, and because the band held several women prisoner, the military had decided not to pursue the Sioux in exchange for return of the prisoners. Many of the remaining settlers in 1862 were convinced that had the band received "just punishment ... we should doubtless have been spared this fearful visitation of savage wrath."<sup>13</sup> It was a mistake that the citizens of Minnesota refused to make again.

The pressure Lincoln received was not one-sided; many people across the country asked for clemency for the condemned, and their reasons were as numerous as those of their adversaries. For some, it was the high number of condemned that attracted their attention. Three or four, or even 15 Indians may have escaped the notice of Indian reformers, but 303 was too high a number to be ignored. There was obviously a problem somewhere—and the problem was not the Indians, but the government.

10 Memorial from the citizens of St. Paul to Lincoln, Sioux Trial Transcripts.

11 Sibley to Whipple, December 7, 1862, Henry Benjamin Whipple Papers, Minnesota Historical Society, St. Paul.

12 Fairbault Central Republican, November 26, 1862.

13 *Ibid.*

Henry Whipple was not alone in his diagnosis of the problem: that the war "has been the result of fundamental errors of policy of the Government"; many other contemporaries also criticized the government's Indian policy as leaving the Indians no choice but to fight.<sup>14</sup> Alonzo P. Connolly noticed that there should hardly be any retribution for a crime in which the whites were mostly responsible. The broken treaties and dishonest dealings undermined the trust the natives should have held for the government and its people, and worse yet, it showed them the only proper way to behave: "the lesson taught by observation was that lying was no disgrace, adultery no sin, and theft no crime. This they learned from educated white men who had been sent to them as representatives of the government."<sup>15</sup>

It was possible, others suggested, that the handling of the Indians was illegal, as they were prisoners of war and not murderers in the traditional sense. Whipple's argument was most persuasive when he reminded government officials of the dealings with the Indians over the past 200 years. The government had a consistent policy of buying land and signing treaties with the Indians. Hence, the government had never rescinded the position that the Indians were members of an independent nation—therefore, the prisoners were prisoners of war. Unjustly or illegally punishing the prisoners could ignite a powder keg involving other Indian tribes. Though he admitted someone had to be punished, he reminded the government that at this time "we cannot afford by any wanton cruelty to purchase a long Indian war."<sup>16</sup>

Commissioner William P. Dole concurred. The Indians were members of a separate nation, and the prisoners had been taken at the end of an obvious war. What's more, those Indians who were condemned and had surrendered peacefully were given the impression that they would be safe. The character of the Sioux nation was that of a "wild, barbarous, and benighted race" which culturally prevented the rank-and-file Indians from having any choice but to follow the orders of their leaders. Therefore, it was the leaders who should be punished; those that were captured were not responsible.<sup>17</sup>

14 Whipple to Lincoln, September 1862, Henry Benjamin Whipple Papers.

15 Alonzo P. Connolly, *Sioux War and the Minnesota Massacre of 1862 and 1863* (Chicago: A.P. Connolly, 1896), 45.

16 Whipple to Rice, November 12, 1862, Henry Benjamin Whipple Papers.

17 Dole to Caleb Smith, November 10, 1862, Abraham Lincoln Papers.

Minnesotans had a different idea of responsibility. "The laws of war cannot be so far distorted as to reach this case in any respect," wrote Senator Henry Mower Rice, "when I reflect that without a moment's notice they struck upon unoffending men and women and children from many of whom they had received many kindnesses and butchered them."<sup>18</sup> There had, after all, been no declaration of open war and no discrimination among its victims. "There is wide difference between the killing of men in open war, and brutal massacres in times of peace ... the latter must be condemned by every moral code entitled to the least consideration."<sup>19</sup>

Others called on Lincoln to retry the convicted because it was inevitable that those who had seen the atrocities and had lost family or property in the uprising would be filled with a desire for vengeance that precluded them from separating the guilty from the innocent. To execute such a large number of people would certainly look bad to the rest of the world—an important consideration when the Union was looking for foreign support against the Confederacy. Reverend Thomas Williamson clearly stated the national sentiment that "the honor of our Government and the welfare of the people of Minnesota as well as that the Indians requires a new trial before unprejudiced judges that the innocent may be liberated and the guilty punished."<sup>20</sup>

Those closer to the problem saw the situation much differently and resented the interference of outsiders who they believed were "in bad taste" and were not acquainted with the facts.<sup>21</sup> Nor were the people of Minnesota looking for reform, as they could not understand the Dakota's provocation. Henry Hastings Sibley, one of the most corrupt of all Indian traders in Minnesota, recognized that the Sioux had been unfairly dealt with in the past, but he did not feel they had any other recourse. If they were desperate, he believed, they should have gone through proper channels, and "Their grievances would have been, sooner or later, heard and righted."<sup>22</sup>

18 Rice to Whipple, November 19, 1862, Henry Benjamin Whipple Papers.

19 Charles S. Bryant, *A History of the Great Massacre by the Sioux Indians in Minnesota: Including the Personal Narratives of Many Who Escaped* (Cincinnati: Rickey and Carroll, 1864), 458.

20 Williamson to Riggs, November 24, 1863, Stephen Return Riggs Papers.

21 Williamson, Aldrich and Windom to Lincoln, Sioux Trial Transcripts.

22 Sibley to Whipple, December 7, 1862, Henry Benjamin Whipple Papers.

For many of the state's citizens, it was not just a matter of whether the grievances were valid. It was that the Eastern states, who had long ago finished their Indian problems, were being so hypocritical. After all, one Minnesotan reminded his Eastern neighbors, earlier Indian troubles were settled without even the pretense of a court of law, and the punishments dealt out were much more severe. In 1637, he reminded them, the Pequot Indians of Connecticut were ambushed in their village, and 600 men, women and children were killed. The rest were sold into slavery in retaliation for the deaths of only two whites. Were Minnesotans more unfeeling than that display? "Indians are the same in all times," another wrote. "Two hundred years have wrought no change upon Indian character ... much of Indian barbarity has been forgotten by those who have been far removed from the direct contact of the two races."<sup>23</sup>

The Minnesotans also threatened Lincoln politically. Many questions would determine the votes Lincoln would either capture or lose in other Union states, but in Minnesota it was a single issue. Minnesota's representatives reminded the President that

The people of Minnesota ... have stood firm by you and by your administration; they had given both you and it their cordial support; they have not violated the law; they have borne these sufferings with a patience such as but few people have ever exhibited under such extreme trial ... because they believed that their President would deal with them justly.<sup>24</sup>

Others were not so subtle. The Fairbault Central Republican worried about the Government's "disregard for its friends." If Lincoln were to pardon the captives, "he will look in vain to Minnesota for friends or support in the future."<sup>25</sup> Ramsey, who did realize the importance the executions played in politics, was ready to capitalize on Lincoln's cold feet in order to secure his place in the Senate race. He asked the President to turn the decision over to him if he could not bring himself to do it.<sup>26</sup>

Finally, in December, the debate ended. Taking into careful consideration the feelings of a staunch Republican state, the outcries of reformers throughout the nation, and a sense of justice, Lincoln made his decision. Anxious, as he

23 Isaac V.D. Heard, *History of the Sioux War* (New York: Harper and Brothers, 1864), 271; Bryant, 462-463.

24 Wilkinson, Aldrich, and Windom to Lincoln, Sioux Trial Transcripts.

25 Fairbault Central Republican, November 26, 1862.

26 Ramsey to Lincoln, November 28, 1862, Alexander Ramsey Papers.

said, "to not act with so much clemency as to encourage another outbreak, on the one hand, nor with so much severity as to be real cruelty" he ordered the execution of 39 of the prisoners. After careful review he had decided first to order the execution of those who had violated females and to secondly condemn those who were proven to have participated in massacres rather than in battles.<sup>27</sup> He had compromised, to the benefit of the reformers. But the ordeal was not over: over 1,500 prisoners remained in custody. The scales weighing their fate would tip toward the Minnesotans.

The executions on December 26, 1862, did not end the episode that had begun that summer. For many, the worst was yet to come. Lincoln had acted generously in the commuting of the 265 sentences—if one believes they were deserving of execution. Yet he could only afford to be generous for so long. The issue was not settled as over 1,500 Dakota remained imprisoned and two other tribes, the Chippewa and the Winnebago, remained free within the state while the remaining population of Minnesota clamored for their extinction. The Minnesotans simply refused to live side by side with the Indians. Many threatened the depopulation of the country by white settlers if the Indians were not purged; many more reminded the government that it had been patient long enough: If the U.S. Government would not expel the Indians, the citizens of Minnesota would.<sup>28</sup> The Fairbault Central Republican wrote "we trust and pray that this may be a war of extermination ... let us wipe out the treacherous, accursed vipers or drive them far beyond our borders, that peace and security may once more reign."<sup>29</sup>

In the game of politics, compromises are the key to success. In 1862 Lincoln made a compromise with the people of Minnesota that would affect not only the condemned prisoners, but all the tribes living within the borders and would color the relations between the two races for the next century. For the immediate salvation of 200 men, thousands would suffer. Those contained would not be released, and as soon as feasible would be expelled forever from the state. In addition, the federal government agreed to paying the cost of the Sioux War, compensating civilian damages, and supplying the state with the key political appointment of John Usher as Secretary of the Interior.

<sup>27</sup> Lincoln's message to the Senate, December 11, 1862, *Sioux Trial Transcripts*.

<sup>28</sup> Baker to Ramsey, March 16, 1863, *Alexander Ramsey Papers*.

<sup>29</sup> *Fairbault Central Republican*, August 27, 1862.

With the removal of the Dakota and Winnebago tribes from Minnesota, the episode in which the lives of over 5,000 people—white, red, civilian and warrior—were disrupted was effectively over, but the debate about what to do about the red man was far from completed. The Sioux War and the events which followed it were clearly a sign of structural problems. From across the nation for nearly a century, interested parties would cry for Indian reform. The treatment of the Indians as dependents instead of separate nations would be one of the first changes. The bureaucracy of the Indian system would also be changed forever, and the benefits or detractions of this change can be argued indefinitely. The impact of these reforms is still being heard in the courts today.

The Sioux Uprising of 1862 was the largest Indian massacre in United States history and final proof for contemporaries that the two peoples could not live together. Because of this belief, hundreds of people died over the next few years of hanging, exposure, disease and starvation. The whites may have felt in the spring of 1863 that they could never live peacefully with the Indians; the action of the whites following the uprising forever convinced the Indians that they would never live peacefully with the whites. One witness to the sufferings of the Dakota was a Hunkpapa Sioux Indian who swore that he would never concede his people to the white man and suffer the fate of his kin. He would hold on as long as he could. That man was Sitting Bull.