UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Unites States of America,

Plaintiff,

Case Nos. H5038700;
H5038729; H5038728

v.

AFFIDAVIT OF
BRUCE WHITE

Chris Mato Nunpa,
James K. Anderson,
and Susan Jeffrey,*

Defendants

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

BRUCE WHITE, being duly sworn on oath in the State of Minnesota, County of Hennepin, states and alleges as follows:[1]

1. The area around Fort Snelling, known as the Fort Snelling Reservation, including Coldwater Spring, is a place of importance in the Dakota belief system, central to Dakota culture. The Dakota call the whole area *Mdote* or *Bdote Minisota*, a reference to the mouth of the Minnesota River. This is also a place where many important events in the last 200 years of Dakota written history have occurred. Whether intentionally or not, Fort Snelling, the nearby Indian agency, and other manifestations of white use of the reservation were put in a location where some of the most powerful spirits in Dakota beliefs were said to reside. In this setting Dakota people carried on ceremonies crucial to their existence as a people. They negotiated with each other, with white government officials, and with other tribes, in matters involving war and peace and the settling of differences. Coldwater Spring was an important part of these activities, a fact which is recorded in historical documents and in present-day cultural belief and oral tradition.

2. This discussion is based on my extensive experience in studying the Fort Snelling area. I am a historian and anthropologist, with an MA in history from McGill University in Montreal (1985) and a PhD in anthropology from the University of Minnesota (1994). I have more than thirty years of experience in studying Minnesota history, Native

[1] This version of an Affidavit prepared originally in October 2006 includes corrections and additions made on November 27, 2006, as part of comments submitted during the National Park Service Bureau of Mines – Twin Cities Campus Draft EIS comment period. It should also be noted that further research is needed on the subjects addressed herein.

American history and the early history of white settlement in the Midwest as an editor and researcher with the Minnesota Historical Society and later as an independent historian and consultant. I have done work on Ojibwe and Dakota history and have published a number of articles and have co-authored several books. I am the author of a forthcoming book scheduled to be published in 2007 entitled *We Are At Home: Pictures of the Ojibwe People.* All of my professional work is documented on my attached vita. In 1998 I was the co-author of *Fort Snelling in 1838: An Ethnographic Study,* which dealt with aspects of the Fort Snelling area. In 2003, with Alan W. Woolworth I co-authored the nomination of Pilot Knob or Oheyawahi for the National Register of Historic Places, a nomination which was published in 2004 as an article. In 2004 as a result of the nomination, Pilot Knob was determined to be eligible by the Keeper of the National Register of Historic Places. I have testified as an expert witness in a number of previous legal cases including the 1994 case of Mille Lacs v. Minnesota, as a witness for the Mille Lacs Band of Ojibwe. I am not being paid for my current testimony.

The Creation of the Fort Snelling Reservation

3. On September 23, 1805, Lieutenant Zebulon M. Pike, on the island at the mouth of the Minnesota River, signed a treaty with the "Sioux Nation of Indians," a term used to refer to the Dakota and other groups who would now include the Lakota. The Nation was represented by the leaders "Le Petit Corbeau," or Little Crow, known to the Dakota as Cetanwakanmani, and "Way Aga Enogee," who was apparently the chief known as "Fils de Penishon."

4. By the wording of the treaty the so-called Sioux Nation granted to the United State "for the purpose of the Establishment of Military Posts" two pieces of land, one at the mouth of the St. Croix River, the other to include land from below the mouth of the St. Peters or Minnesota River to the Falls of St. Anthony. According the treaty:

> the Sioux Nation grants to the United States, the full sovereignty and power over said districts forever, without any let or hindrance whatsoever.

5. As "consideration" for these grants the Pike intended that the United States would pay something, but he left this line blank in the treaty. Additionally, under the treaty:

> The United States promise on their part to permit the Sioux to pass, repass, hunt or make other uses of the said districts, as they have formerly done, without any other exception, but those specified in article first.

6. Exactly what the two Sioux or Dakota leaders understood by these treaty terms has never been completely explained. Did they understand exactly what was meant to Pike by the terms "full sovereignty and power"? How was the term "grant" translated at the time? What did they understand the treaties to be accomplishing? What did they understand the provision of Article 3 to mean?

7. Full answers to these questions are not available, though clues may be found not just in the treaty itself, but in the council that took place at the same time and in the words and behavior of the Dakota in the years ahead. In his journal Pike stated that there were other Sioux chiefs present including Le Grand Partisan, Le Orignal Levé, Le Demi Douzen, Le Becasse, and Le Boeuf qui Marche. Pike stated that "it was somewhat difficult to get them to sign the grant, as they conceived the word of honor should be taken for the Grant, without any mark; but I convinced them that, not on their account but my own I wanted them to sign." (Jackson 1966, 1: 38). Later Dakota statements about the treaty suggests at least the possibility that the chiefs not signing simply did not approve of the treaty, although there is no direct evidence of this.

8. In a written transcription said to be from the same date as the treaty, Pike recorded that he informed the Dakota that the U. S. government wished to establish military posts on the Upper Mississippi. (Jackson 1966, 1: 243-44). He echoed the wording of the treaty in saying that he wished them to "grant to the United States" two parcels of land and that "as we are a people who are accustomed to have all our acts wrote down, in order to have them handed to our children—I have drawn up a form of agreement." He stated that he would have it "read and interpreted" to them.

9. There is no further discussion of what Pike meant by the term "grant" or how it was translated into Dakota. However, Pike went on to explain what the benefits of these military posts would be. He stated that the situation of the Dakota would improve "by communication with the whites." He further stated that at these posts "factories," usually understood to be government-run trading posts, would be established where Indian people could get their goods cheaper than they did from their traders.

10. Another major purpose of these posts was "to endeavour to make peace between you and the Chipeway's" through diplomacy. For example, he intended to take some Ojibwe chiefs with him to St. Louis where peace could be cemented "under the auspices of your mutual father" meaning General James Wilkinson. Pike asked that the Sioux chiefs would respect "the flag and protection" which Pike would extend to Ojibwe chiefs that came down the river in the spring with him. He would also discourage the traders from Canada, whom Pike said, encouraged the Ojibwe to fight against them. According to the transcript, Pike then distributed tobacco "and some other trifling things, as a memorandum of my good will" and "some liquor to clear your throats." The payment of any money would have to wait for Congress to determine how much would be given.

11. Although many historians emphasize the role that Pike played in the assertion of U. S. authority in a region hitherto under the influence of the British, Pike's role in diplomacy between the Dakota and Ojibwe was a topic of continuing conversation during the recorded council and during the fall in coming up the Mississippi and during the following winter when Pike wintered in Ojibwe country.

12. Even before the treaty-signing, on September 10 when Pike met La Feuille or Wabasha, the leader presented him with a pipe which he could take with him to show to all the other Sioux bands he met, along with a message to "inform them that I was a chief

of their New Fathers; and that he wished to be treated with friendship and respect." In talking with Wabasha, Pike made described his various purposes of his visit and of the posts he wished to establish. These were the same reasons given in treaty discussion at Pike Island but Pike stated even more forcefully that his purpose was "above all, to make peace between the Sioux and Sauteaux," the latter being a French term for the Ojibwe. After his speech Pike was treated to a feast and a dance which included some of the features of the religious medicine ceremony:

> Men and women danced indiscriminately: They all were dressed in the gayest Manner, and each had in their hand a small skin of some description, and would frequently run up to each other, point their Skin, & give a puff with their Breath; on which the person blowed at (either Man or Woman), would fall, appear to be almost lifeless or in great agony; but would recover slowly—rise and join the Dance. This they call their great Medicine (or as I construe the Word, Dance of Religion)."

13. The ceremonial practice of "shooting" people with life-giving forces was part of a religious system known among the Dakota as the *Wakan wacipi,* sometimes called in English the medicine ceremony (Nicollet 1970: 199, 209-11). Normally it was carried out in ceremonies only involving members of the order, rather than with visitors. The extraordinary nature of Pike as a representative of a nation which had yet to form an alliance with the Dakota may have been the reason for this unusual public presentation. In earlier times, the Dakota often dealt with Europeans using the same practices as they used in dealing with spiritual beings of power or *wasicun,* a term used event today for white people, often in a less complimentary way than in the past (White 1994). The idea of whites as powerful spirit beings came from the fact that the Dakota were impressed by European technology such as blankets and cloth, iron, and other manufactures. They could find no natural explanation for these things and assumed that anyone who had such technology must have the power of a spirit being even if Europeans did not intend to make such a claim.

14. In dealing with Pike there is evidence that the Dakota attributed power to Zebulon Pike that he did not really have. Shortly after the treaty signing on September 23, Pike set off up the Mississippi River to visit the Ojibwe. On September 24 Pike found that the American flag on his boat had disappeared, as a result of accident or theft. He sent his men to look for it and sent a flag and some tobacco to the Dakota at the mouth of the Minnesota. The next morning he was awakened by Little Crow who said that the Dakota had found the flag floating in the river below his village, 15 miles downriver. The chief told him that the appearance of the flag in the water had been the source of some amazement and "the occasion of preventing much blood shed," on the part of another Dakota leader who was intent on revenge for having his lip mutilated, perhaps in a fight or battle. According to Pike, the man was loading his gun:

> When, Lo! My flag appeared in the midst of them, like an Angel sent to hush their purposes into Silence: They were all astonished to see it there—the staff all broken &c. But the Petit Corbeau arose and spoke to this effect—"That a thing so

> *sacred* had not been taken from my Boat without Violence—That it would be proper for them to hush all private animosities, until they had revenged the cause of their eldest Brother [Pike].

15. In pursuing his journey into Ojibwe country Pike did not pretend to sacredness but pursued his agenda of peace, using Wabasha's pipe a widely understood symbol among many tribes. He met with Leech Lake Chief Flat Mouth and Red Lake leaders on February 16. On that day, Pike recorded a statement made by Wiscoup, "Le Sucre" (Sugar) a Red Lake chief.

> Wabasha's calumet, with which I am presented, I receive with all my heart. Be assured that I will use my best endeavors to keep my young men quiet. There is my calumet, I send it to my father the great war chief. What does it signify that I should go to see him. Will not my pipe answer the same purpose?

16. He offered to send his pipe to the Sioux with Pike and instructed Pike to smoke in it and "tell them that I have let fall my hatchet." He said that the Sioux of the Upper Minnesota should mark trees with the figure of a calumet to signal that when they of Red Lake went there they could make peace with them.

17. On coming back down the Mississippi River, on April 11, 1806, Pike met with 600 people, 100 lodges at the mouth of the Minnesota River. He met with Little Crow at the mouth of the St. Croix. On April 13 he met with other leaders at Red Wing. Further down river on April 21 he met Wabasha and Red Thunder, a Yankton leader. At almost every place, Pike recorded his attempts at mediation between the Dakota and Ojibwe.

18. Together these various statements provide clues about the meaning of Pike's treaty for the Dakota and suggest the way in which the Dakota would make use of the Fort Snelling Reservation in the years ahead. The mixture of diplomacy and ceremony described by Pike would turn out to be a recurring aspect of the Dakota use of Fort Snelling and in the area of Coldwater Spring.

The Cultural and Sacred Meaning of the Fort Snelling Area for the Dakota

19. It took many years before the U.S. government attempted to use any portion of the land mentioned in the Treaty of 1805. There seems to have been some confusion among government officials about exactly what was accomplished by the treaty which was ratified by Congress in 1808, but never proclaimed by the president. The fact that the treaty was never proclaimed suggested to some officials that it was not a proper treaty. Lieutenant Colonel Henry Leavenworth apparently had doubts about the binding nature of the treaty. In the summer of 1820, at the site of Coldwater Spring, he negotiated a new treaty overlapping the Pike Treaty in geographical scope. However, that treaty was never ratified at all. (Folwell 1956, 1: 446-47).

20. After Leavenworth left the region, federal officials ignored the issue, acting as though the Pike Treaty was a valid treaty. In the mid-1830s the question was again raised about

whether the Pike Treaty was actually a legal document. At that point the site at the mouth of the St. Croix described in the Pike Treaty was not mentioned. All questions had to do with the Fort Snelling Reservation. Then in October 1838 Fort Snelling's commander Major Joseph Plympton paid Mdewakanton Dakota leaders $4000 for "due [by Pike in?] 1805 for a military reservation obtained by him of Nine [miles square?]. Elsewhere in the same document it was stated that the amount was "Principal and interest of an annuity due under the Treaty of [Lt?] Pike of 1805 for reservation of Land at Fort Snelling St. Peters.] This last payment, made after the Dakota Treaty of 1837, a treaty which made no mention of Pike's Treaty, suggests that rather than negotiate a new treaty regarding the reservation which had been in use for almost twenty years, government officials had decided to continue to act under the assumption that the Pike Treaty was a legal and binding treaty. In his journal Indian Agent Lawrence Taliaferro wrote:

> This sum settles all difficulties in future of the Land and the use of fire wood & timber destroyed by the Troops and even the Traders (Folwell 1956, 1: 447).

21. Another question that occasionally arose had to do with how the Dakota themselves viewed the Pike Treaty. As late as 1850 Philander Prescott recorded that "the Indians talk a great deal and say they have never sold the Reserve to the Govt. &c. &c." (Folwell 1956, 1: 447). Fundamentally the question had to do with whether or not the Dakota viewed the treaty as a transfer of property, something that did not accord with Dakota culture in any case, rather than simply permission to build a fort. Some insight to the Dakota view of things comes in a statement made by Little Crow or Cetanwakanmani in a ceremonial statement to Indian Agent Taliaferro on March 8, 1829:

> My Father:
> Since I was a small boy I have lived upon these Lands near your Fort. I gave this place to your people more than 20 years ago.
>
> My Father:
> I am disposed to be friendly with every body, with your Nation & our neighbours the Chippy. And Sacs & Foxes. It was allways your wish and mine also.

22. The statement is in keeping with the idea of the Dakota as giving Pike the right to build a fort or actually two forts, in order to serve the purposes he had mentioned in his meetings with them in the fall of 1805, as a means to further mediation between Dakota and Ojibwe and other groups. Little Crow even mentioned the work of Indian agent Lawrence Taliaferro—the successor to Pike—in that continuing mediation.

23. In many ways Taliaferro was an agent who completely understood the role that the Dakota expected of him at Fort Snelling in terms of settling differences. He carried out the plan that Pike had formed in 1805. During almost twenty years as agent Taliaferro managed the reservation as a neutral area within Dakota country, where the Ojibwe and other tribes could come to mediate differences in his presence (White and White 1998). But it is not clear that Taliaferro any more than Pike understood that the Dakota wanted

him to play the role that he did and that that role fit in with their ideas of the meaning of the Fort Snelling Reservation.

24. While in the period beginning in1805 provided many examples of warfare between Dakota and Ojibwe, neither Pike nor Taliaferro understood that peace and diplomacy were also a tradition between the two groups. Historical records of French visitors note that until the 1740s the Dakota and Ojibwe were actually allies, who intermarried. William Warren (1984: 164-65) in his history of the Ojibwe people notes that the *Maingan* or Wolf clan among the Ojibwe on the St. Croix River and at Mille Lacs owes its existence to intermarriage between Dakota men and Ojibwe women. Since clan membership among the Ojibwe was passed through the father, a clan was created among the Ojibwe for the children of such marriages. In the past, when children in the community are born to marriages between Ojibwe women and men from outside the community, who were not members of clans, a clan designation might be created to give them an identity within Ojibwe society. The children of marriages to Euro-American men and their descendants were of the Eagle clan. The children of marriages to Dakota men were Maingan, the Wolf clan.

25. William Warren (1984: 164-65), in his history of the Ojibwe, speaks of the Wolf clan, especially in relation to those communities of people at Mille Lacs and in the St. Croix River Valley. Warren tells of the clan in the context of a period of peaceful relations between Dakota and Ojibwe that may have occurred perhaps in the 17th century.

26. It may have been during this period that Dakota and Ojibwe began to share the ceremonial practices of the Wakan Wacipi, the ceremony mentioned by Zebulon Pike in 1805 (Nicollet 1970: 209-11). These ceremonies are shared with many tribal groups in the Upper Mississippi Valley, in particular the medicine lodge known as the Midewiwin, a body of belief still practiced throughout northern Minnesota and elsewhere. Exactly where these beliefs originated is not known, but as will be discussed later the striking similarities between the beliefs of the Dakota and Ojibwe in this area and other areas of myth and folklore can only be a manifestation not of long-running warfare but of shared understands in peace and even in the midst of sporadic war.[2]

27. For the Dakota the beliefs and ceremonies of the Wakan Wacipi had special meaning within the context of the Fort Snelling Reservation. The key figure of the Dakota belief system was the very same being which the Dakota gave the credit for originating the ceremony. This was *Unktehi* or Onktehi*,* actually a family of spirit beings both male and female. The male Unktehis were said to reside in water, the female, in land. The missionary Gideon Pond wrote that (1889)

[2] It was not possible, during this research, to thoroughly cover the parallels between the Dakota Wakan Wacipi and the Midewiwin. This is a topic that has never been examined completely by ethnographers. Evidence shows however that the ceremonies, songs, and beliefs of the two medicine lodges had many similarities, indicating the likelihood of cross-tribal influence and ceremonial interaction at places such as Coldwater Spring.

> In their external form, the Onktehi are said to resemble the ox, only that they are of immense proportions. This god has power to extend his horns and tail so as to reach the skies.

28. Another account probably also by Gideon Pond stated that (*Minnesota Democrat,* March 3, 1852):

> the form of the Onktayhee, Onkteri, is like that of the ox, and he is covered with a similar coat of hair . His eyes are like the moon in size, and his horns he can instantly extend at his pleasure, so that they will reach the sky. This is also true of his tail. Awful destructive powers—*wakan* power, are in the horns and tail.

29. A male Unktehi was addressed as grandfather, the female, grandmother, while the name Unktehi was not normally used. Instead the term Taku-wakan or "that which is wakan," or sacred, was used to describe these spirits.

30. Pond wrote that male Unktehis were generally said to reside in water, such as bubbling springs, or such places of turbulent water such as St. Anthony Falls. One Dakota medicine song referred to "the mysterious being in the water" (*St. Paul Democrat,* March 32, 1852). One year when, with the breaking of ice, an ice dam built up below St. Anthony Falls, raising the level of the water. When the dam broke a rush of water came down the river, taking out a cabin below the fort where a man lived.

> It is universally believed by the worshipers of the god in question, that the occurrence was caused by one of these gods passing down the river, who took the soldier for his evening meal, as they often feast on human spirits.

31. As noted in this account there are more than one male and female Unktehi, who inhabited specific places in the landscape, or who caused specific changes in that landscape. As an 1852 article probably written by Gideon Pond stated, "there are many of them both male and female and they propagate their kind like animals."

32. Around Fort Snelling the mark, not to mention the presence, of Unktehi was found in a number of places. For example one account attributed the high hill known as Pilot Knob or Oheyawahi to one Unkethi who while chasing another spirit, crashed into the bank and raised up the hill above the surrounding country.

33. Another specific location where a male Unktehi was said to reside was a place near Fort Snelling called Morgan's Mound by whites, and *Taku Wakan Tipi* or "the dwelling place of the god," specifically referring to Unktehi. An 1854 newspaper article describing various locations around the Fort Snelling area stated that "the Dakotas believe that Onktayhee, one of their superior Gods lives here, under the bluff, and assert that he has often been seen by some of their people. He is an inhabitant of the water, and of the deep earth under the water" (*St. Paul Daily Democrat,* May 8, 1854). Mary Eastman, the white wife of the artist Seth Eastman who was commander at Fort Snelling

in the 1840s, wrote of "Morgan's Bluff," and stated that the Dakota called it "God's house":

> They say that it is the residence of Unktahe, and under the hill is a subterranean passage, through which they say the water-god passes when he enters the St. Peter's. He is said to be as large as a white man's house (Eastman 1995: 156).

34. The source or accuracy of these accounts of Dakota beliefs is unclear, but they fit in what other authors say about Unktehi, except the suggestion that there was only one Unktehi, who resided at in many places like a pervasive spirit. The work of Gideon Pond makes clear that there were many individual Unktehis, living at various locations, including the area of Morgan's Mound.

35. It should also be noted that it is there is no reason to believe that the precise geographical location known to whites as Morgan's Mound or Bluff corresponded exactly to what the Dakota called Taku Wakan Tipi. The Dakota term is not the kind of name usually given a hill and it does not contain the Dakota word for hill in it. In a similar way the term Pilot Knob does not necessarily refer to the same geographical boundaries as the Dakota term Oheyawahi. For some whites Pilot Knob referred only to the knob shaped top of a hill opposite Fort Snelling, but for the Dakota the term Oheyawahi , "the hill much visited," referred to the whole hill, not merely the top (White and Woolworth 2004).

36. Based on the descriptions given above of Taku Wakan Tipi, it is clear that the place name referred not only to a bluff, but to the area in and around the hill, including the entire area where this particular Unktehi actually resided. Given the fact that Unktehis inhabited water, the only explanation that explains his residence Taku Wakan Tipi was the fact of the waters in under and around that high hill. The passageways from the hill, where water flowed, to nearby rivers—including the buried passageway described by Mary Eastman—could rightfully said to be the dwelling place of Taku Wakan. Prior to 20th century changes in the landscape of the area around Morgan's Mound, the eastern foot of the hill was a wetland, marked as such on early maps such as Smith's map of October 1837, with symbols suggesting cattails, bulrushes, or other wetland plants (White and White 1998: 163). Alinson Skinner (1920), in an account of the Wahpeton Dakota medicine ceremony noted that bulrushes had a place within the ritual narrative during Wakan Wacipi initiation ceremonies:

> [The initiate] is symbolically presented with a cane (*sagei*), which also has its song. The cane represents the bulrush and symbolizes long life through the medicine-lodge. He is told that the Medicine Dance is supposed to be held under water, and that the bulrushes are at the door (edge) of the lake where the patron of the dance, the *unktehi,* dwells. He must sacrifice dogs at the door if he would keep in the good graces of the *unktehi,* and if he is in danger of his life at any time, he need only grasp a bulrush.

37. Recent archaeological surveys have disclosed the presence of buried and filled wetland soils in the area north of Coldwater Spring along the north edge of the present Bureau of Mines property (Clouse 2001: 71). That spring, which came out on the edge of the lower slopes of Morgan's Mound, on the edge of these wetlands, and flowed into the Mississippi River could rightfully be described as part of that dwelling place of the particular Unktehi, in fact, an integral part of Taku Wakan Tipi.

38. Similarly, Oheyawahi, in addition to having been formed by an Unktehi who crashed into the river bank, may have been viewed as being present in that high hill, manifested in springs –one of which is still visible today halfway up the slope of Acacia Cemetery, toward the summit of the hill. This spring is not known to have a historically-recorded Dakota name though it is clearly part of Oheyawhi, a contributing factor to its character and sacredness. The association of this Unktehi with Oheyawahi is made even more clear in the fact that the hill was sometimes the location of the wakan ceremony, recorded there in an account by the French ethnographer and mapmaker Joseph Nicollet in 1837, and in a later painting by Seth Eastman, believed to have been done on the hill (White and Woolworth 2004).

39. As noted earlier, in the Dakota belief system the Unktehis brought the teachings of the life-giving ritual known as the Wakan Wacipi. At the same time an important Dakota belief told of how the Unktehis helped create the earth in its present form and people it with humankind, at a time when all that was visible in the world was water. The Unkethis sent various quadrupeds down into the water one by one to reach the bottom and find a piece of dirt. After many animals tried and died in the effort the muskrat arose exhausted from the water carrying some dirt. From this an Unktehi, possibly one of the females, made land:

> The earth being thus made, the god took one of his own offspring and after reducing him to powder scattered the powder broadcast over the earth, and it became little worms like maggots. The god then swept the earth and gathered up the worms which had been produced and scattered them a second time, they matured to the size and shape of little children, some of whom could stand and others walk a little. He gathered and sowed them the third time, and they became Indians and commenced various plays and dances. The Oanktayhee then proceeded to institute the much celebrated Medicine or Wakan Dance (*Minnesota Democrat,* March 3, 1852).

40. As with many peoples of oral culture and traditions, this is not the only version of how humans came to inhabit the earth and it must not be assumed that there is only one authoritative version. Other evidence describes another creation story, one involving the Dakota people themselves, perhaps long after the action of the Unktehis. This creation story is directly associated with the Fort Snelling area.

41. A 1720 French manuscript account of the "Sioux or Nadouesis," a reference to terms invented by the Ojibwe to describe the Dakota people, states that according to the belief of the people themselves "the first Sciou and the first woman of their tribe came out of

the earth, which brought them forth on a prairie below St. Anthony Falls," a location, interestingly, clearly within the boundaries of the Fort Snelling Reservation prior to its reduction in size in the 1850s, if not its later, reduced form (Ames 1980: 201). Various later sources describe the center of the earth as being at or near the mouth of the Minnesota within the area of Mdote Minisota. For example, Gideon Pond stated in *The Dakota Friend,* published in the early 1850s, that

> One of the great natural facts which perhaps ought to be recognized and recarded to start is this, viz: That the mouth of the Minnesota River (Watpa Minisota,) lies immediately over the center of the earth and under the center of the heavens (White and Woolworth 2004).

42. In 1998 Reverend Gary Cavender, a Dakota spiritual leaders whose knowledge of Dakota sacred places has often provided guidance to his own people and others, discussed the Dakota creation in an affidavit, linking Mdote, Taku Wakan Tipi, and the specific place known to whites as Coldwater Spring (Minnesota Department of Transportation 1999):

> The spring is the dwelling place of the undergods and is near the center of the Earth. The Spring is part of the cycle of life. The underground stream from the Spring to the Mississippi River must remain open to allow the Gods to enter the River through the passageway. The Spring is the site of our creation myth (or "Garden of Eden") and the beginning of Indian existence on Earth. Our underwater God "Unktehi" lives in the Spring. The sacredness of the Spring is evident by the fact that it never freezes over, and it is always possible to see activity under the surface of the water.

43. Together these accounts of the role of Unktehi, and of other aspects of the Dakota belief system, make clear that in placing Fort Snelling where it did, the U.S. government found itself within a key cultural area for the Dakota. In obtaining a grant to build in the particular spot, Pike had aligned the purposes of the United States government with an area of sacred and cultural importance, even if he and other whites did not know it. This fact meant that in negotiating with the federal government and with other Indian people who came there, the Dakota were surrounded by the most the most powerful forces in their lives, forces that they often appealed to in seeking to accomplish their aims. Whether or not government officials understood this, their historical accounts show that it was in this context of belief that the early history of the early history of the Fort Snelling Reservation took place.

Ceremony and Diplomacy at Fort Snelling and Coldwater

44. No history of the Fort Snelling area in the 1820s and 1830s can be written without a thorough examination of the journals of Lawrence Taliaferro, who was Indian Agent at Fort Snelling from 1820 to 1839. Though his surviving journals do not cover the entire period, those that do survive are a rich record of Indian people, of fur traders, and of the

military. Taliaferro's journal is a record of the way in which the Dakota made use of the Fort Snelling Reservation in the period after the fort's construction.

45. The Dakota certainly continued to "pass and repass" and to make other mundane uses of the reservation. During times of hardship and hunger, Dakota came to Fort Snelling for aid in survival. According to Marcus Hansen, Dakota from Lac qui Parle, spent one winter "on the site of old Camp Coldwater, knowing that only from the fort could they obtain relief [from harsh winter conditions]" (Hansen 1958: 109-10; cited in Henning 2002).

46. Perhaps the most important use of the reservation for the Dakota was to present themselves, to manifest their power in dealings with the federal government and with groups like the Ojibwe. In doing so the geography of the reservation was important. For example, Oheyawahi, that high hill visible directly across the Minnesota River from the fort came to be a kind of stage set in which, on important occasions particular Dakota groups might arrive to impress those who viewed them at or near the fort. On May 29, 1839, Agent Taliaferro noted in his diary (all references to Taliaferro manuscript diaries in Minnesota Historical Society)

> At 10 this day, on Pilot Knob, alias Mt. Saugeaukee 250 of the Siseton band of Traverse des Sioux arrived. . . . & came in Drums beating, Flags flying . . . Those mounted looked well.

47. Eleven years later, in June 1850, on the occasion of a peace treaty the federal government negotiated between the Dakota and Ojibwe, the hill served a very similar purpose. On this occasion the Dakota had delayed in arriving to the negotiation site at the Indian Agency, near the present location of the west end of the Mendota Bridge. The Minnesota territorial governor sent word for them to arrive and join the Ojibwe who were already present (*Minnesota Pioneer,* June 13, 1850):

> At length they made their appearance a mile distant, upon a brow of the hill across the St. Peter [Oheyawahi].—The few infantry present on the approach of the Sioux were extended in an open line, early from the Fort to the stables, so as to form a separation between the Chippewas in their rear and *the advancing band of the Sioux,* numbering perhaps 300, a large portion on horseback, armed and painted, who by this time were rushing up on the plateau, screaming and whooping horribly, themselves loaded with jingling arms and ornaments and their horses with bells on, the whole of them rushing on at full speed and making feint as if they pass around the stable, turn the right flank of the infantry and attack the Chippewas, but they were only showing off.

48. Since Fort Snelling was within the region of the Dakota, Taliaferro's first job was to deal with the Dakota. But the presence of the fort drew Ojibwe to the fort also, who came to appeal to him for help in mediating their differences with the Dakota. In fact some who came, like some of the Dakota, were not themselves belligerents against the other tribe. They were peacemakers who wanted to control those among their own people who

wanted to fight. They saw Taliaferro as a valuable ally in making this happen. On such occasions and for such purposes Coldwater served an important function, providing the setting for intertribal diplomacy and intertribal ceremony.

49. Until 1827 Taliaferro was the government's Indian agent for the Dakota and the Ojibwe of the Upper Mississippi (Folwell 1956, 1: 141).[3] Though his records are incomplete, they include transcripts of a number of diplomatic meetings he mediated between the two groups. In 1824, to impress leaders from both nations, Taliaferro took a mixed groiup of them to Washington. The result of that visit was a great conference at Prairie Du Chien in August 1825 during which a number of Nations including the Dakota and Ojibwe negotiated an agreement on boundaries between their respective territories.

50. In 1827, perhaps because of lobbying by Taliaferro's rival Henry R. Schoolcraft, the Indian agent at Sault Ste. Marie, an order was issued by the Indian office superintendent William Clark in St. Louis, that Taliaferro's agency would no longer cover the Ojibwe of the Mississippi (Folwell 1956, 1: 141). Despite this change Ojibwe leaders throughout the region continued to come to Fort Snelling to meet with Taliaferro and with Dakota leaders, as a way of mediating their differences. Despite having a budget to do so, Taliaferro scraped together funds to feed them when they came and to give them presents of ammunition and other things.

51. Taliaferro's journals from 1827 on are rich and detailed. They provide information not only of events from the later period but also suggest what Taliaferro did not mention in his earlier surviving accounts. For example in 1827 Taliaferro mentioned in passing that he maintained a graveyard next to his council house for the burial of any Ojibwe who died away from home while visiting Fort Snelling. On September 3, 1827 he noted that "The Old Chippeway from Red Lake" had died while visiting a trading post at Lands End, up the Minnesota River a short distance from the agency. A coffin was ordered for his burial, something done by the agency and the military to honor Indian leaders and their families. On September 4, 1827, Taliaferro wrote:

> The Old Chippeway that died yesterday was buried at the Chippeway burying ground near the Agency house—all possible attention being paid him.

52. The exact location of the burial ground is not given, but based on the description it is likely that it was in the area of the current Fort Snelling Upper Bluff, or may have been where the western approach to the Mendota Bridge is now.

53.The day after the burial of the man from Red Lake, Taliaferro mentioned that the leaders Pishake or Buffalo from the St. Croix, and Mossome from the Snake River and other leaders from that area were visiting the agency "unexpectedly." The unexpectedness may have had to do with a violent encounter that had taken place between the two Nations earlier in the summer (Folwell 1956: 148). However, because of the proximity of the St. Croix and Snake Rivers, leaders from that area were among the

[3] A great deal of additional information is available to show the role played by Taliaferro prior to 1827. There was not time enough in the preparation of this Affidavit to include it all.

most frequent visitors. Among them—although not these individuals—were many members of the Ojibwe Maingan or Wolf clan who shared mixed Ojibwe and Dakota ancestry. On such occasions Taliaferro made use of the services of Peter Quinn as an interpreter for the visitors. On this occasion Taliaferro noted:

> The Chippeways requested to have a war or any other dance before my house which was consented to & they danced some time.

54. Statements such as this were common in Taliaferro's diary, although the agent sometimes gave more a more detailed description of the kind of dancing. One thing not mentioned in this account from 1827 was the location where the Ojibwe camped while visiting Fort Snelling. In later years Taliaferro would be more specific.

55. In May 1829, Pishake or Buffalo from the St. Croix arrived again at the agency along with his band and Little Six, a chief from the Snake River. Taliaferro noted: "guns, fish & rat spears repaired for the Chippeways," work that would be done by the government blacksmith and armourer. This was one of many reasons why the Ojibwe came there instead of going to Lake Superior. On this occasion a number of Dakota were present when they came including people from Red Wing's Village and from Lake Pepin. They also needed work done on their metal guns and tools. The next day Taliaferro described an exchange that took place at his agency:

> The Chippeways and Sioux met this day in Council after [which] the Sioux traded with them for maple sugar & other articles. The utmost harmony prevailed. Several chiefs met who had been on to the City of Washington together. They Chippeways requested me as they were determined to meet the Sioux as often as they could[,] to still assist them in their councils.

56. The description makes clear that the impetus for these encounters came from the Indian people themselves who had reasons of their own to meet, exchange goods, and who wished Taliaferro to serve as their mediator, even though he was not assigned to do so by the government. A few days after this the leader from Sandy Lake, Hole-in-the-Day arrived, and the day after Naudin, the leader from the St. Croix River. In a council with Taliaferro he stated his reasons for continuing to come to Fort Snelling:

> I can never give up this place is it surprising I should say this when all know that you were the first man to open our ears & cause us to be at peace with the Sioux. My nation is strong & extends over a large country & the Sioux Nation is strong and extends over a large country and if difficulty some times happen it cannot be helped.

57. Hole in the Day also spoke and explained his attachment to the place:

> Nine years ago on the other side of the St. Peters I shook you by both hands . I did the same when I went with you to the Great Treaty at Prairie du Chien and I do so

> this day. . . . My fathers Bones sleep by your house. My Daughter at the Falls near the grave of my uncle. . . .

58. The last appears to have been a reference to Taliaferro's Ojibwe cemetery. Exactly where the Ojibwe camped in 1829 is not clear, though it appears that it is likely that it was at Coldwater. On June 1, 1829 Taliaferro recorded:

> I sent thirty or forty Chippeways up to the Black Dogs Village 4 miles up the St. Paters to Dance—which they did and returned without harm or incident to their camp in the evening on the Mississippi.

59. Black Dog's Village was located near the present-day Cedar Avenue Bridge, and was more easily accessible by canoe from the Mississippi for the Ojibwe, rather than overland from the area of the fort. On June 7, 1829, Taliaferro stated that many of the Sioux made "a visit to the Chippeway camp—peace & harmony prevailed all this day among them. On June 10 Taliaferro noted that the Sioux were seeking to trade for Ojibwe bark canoes. "Some of them succeeded. These light canoes are in great demand among the Sioux who use them in gathering the wild Rice from the Lakes & Ponds adjacent." That same day the Ojibwe danced at the council house and other places on the reservation.

60. Specific evidence for the use of Coldwater as a camping place by the Ojibwe comes in an entry from 1830, when Taliaferro reported in August the arrival of a number of Ojibwe, including Naudin, Pieshake, Little Six, Hole in the Day, and six other leaders, as well as a number of others of their bands. He noted:

> All the Chippeways after council danced at my house and at the gate of the Fort Snelling & then returned to their encampment at Cold Water.

61. While this is the first reference to the Ojibwe camping at Coldwater, it is likely that this was the customary camping place for them in earlier years. Camping at Coldwater made sense for the Ojibwe, because their trader Benjamin F. Baker operated from that location and the interpreter Peter Quinn was also located there. In fact the location of Baker and Quinn there may have been because the Ojibwe camped there, rather than the other way around. While at Coldwater the Ojibwe were visited by the Dakota seeking to trade, to dance, and to make peace. On September 8, 1830, Taliaferro wrote:

> Several respectable & friendly Sioux are making trades with the Chippeways for Bark canoes—for which they give Blankets & Guns, Traps &c.

62. Encounters at Coldwater paid benefits later upriver in the region bordering the two nations during winter hunt season. On January 17, 1831, Taliaferro noted that Little Crow sent his son and twenty of their band to report to him on "their progress on the St. Croix with their neighbours the chippeways & their hunts." To insure that nothing happened Taliaferro sent his interpreter to visit the camps on the St. Croix the next day.

63. The following summer, on June 27, 1831, Taliaferro reported the arrival of both Sioux and Ojibwe to the agency. He noted that the Dakota chiefs "Penetion, Kockomocko &c" along with 80 or 90 of their bands "were "invited to the Chippeway Camp where both tribes dance for some hours together." That evening Taliaferro stated that the Dakota and Ojibwe arrived at his house "having danced alternately at each others encampment near the agency." On their own they had also counseled with each other about their summer hunts, possibly as to how they would share hunting grounds. The meeting with Taliaferro helped cement any agreement they had reached.

64. Among the visitors were familiar Ojibwe leaders Piagic and Naudin from the St. Croix Valley. On June 27, 1831 Taliaferro stated that the Dakota and Ojibwe "were together most of the day makeing peace and settling their business relative to land mostly." The next day Taliaferro reported that 140 Ojibwe and 120 Dakota were at the agency. That day with Taliaferro's help their agreements were "duly ratified & confirmed' and then

> This day spent in dancing & exchanging visits of friendship and mutual giving of Presents.

65. The next day the two groups set off for their homes. This year Taliaferro provided no details as to the exact location of the Ojibwe camp, although given the earlier records, it is likely that it was in the area of Coldwater. A document from January 1831 (uncatalogued in the Minnesota Historical Society) provides another clue. It is a kind of bill of sale signed by Taliaferro's subagent E. L. Langham transferring to Louis Massy "the premises known as Chippeway Point hereto occupied by Benjamin F. Baker and at the present time in the occupancy of the said Louis Massey." Other records such as Lieutenant E. K. Smith's October 1837 map of the Fort Snelling Reservation show that Massey was located on a point of land at the first landing on the west side of the Mississippi below the mouth of Minnehaha Creek (White and White 1998: 163). Adjacent to this point today is small, flat, raised area where a cabin and other structures could have been located. It could have provided a place for a few Ojibwe wigwams to be located although not a large number. However it also provided an easy route for climbing up the slopes to reach Coldwater Spring and the trading post and settlement located there. The name Chippeway Point may have been given to the location because of its proximity to the landing place through which the Ojibwe came to Coldwater.

66. In the fall of 1833 there is further evidence that the Ojibwe camped at Coldwater. By this point the trader Benjamin F. Baker appears to have moved from his wintering post at the Crow Wing River, to operate out of one at Coldwater Spring.[4] On September 21, 1833, Major John H. Bliss recorded in a note later entered in Taliaferro's diary that 57 Chippewa had arrived at Baker's trading house and that later they smoked with the Dakota.

[4] Baker was licensed to trade at St. Peters in 1833 and 1834. See Clouse Report, p. 41.

67. The following year, in an 1834, diary later damaged by fire, Taliaferro recorded further visits from Ojibwe at the trading post. Surviving entries suggest the nature of their peaceful encounters with the Dakota. One entry stated that

> A large body of Sioux have a Medicine ceremony and dance at Lake Calhoun this day. Some Chippeways were invited and attended.

68. On July 14, 1835, Pishake or Buffalo "arrived last night from the St. Croix on business relative to their line between them and the Sioux." The reference was to the boundary line between the Dakota and Sioux agreed upon in the Treaty of 1825 at Prairie du Chien which was now being surveyed by the government. Soon other Ojibwe leaders arrived, including more distant leaders from Lac Courte Oreille in present-day Wisconsin and Leech Lake in Minnesota. On July 18, 25 canoes arrived from Mille Lacs, containing 75, who were "encamped at Chippeway Point." Soon, however, Chippeway Point would not hold all who came. Later evidence makes clear that they were now camping at Coldwater.

69. It soon appeared that the Ojibwe had received instructions to come to the fort to meet with government surveyors. While they were there they met and traded with the Sioux. On July 19, Taliaferro stated that "45 chippeways dance at the Agency House this morning." Later on they danced at the fort. He noted that it was a fine subject for the pencil of the artist George Catlin who was visiting. Catlin actually recorded a number of Ojibwe and Dakota leaders during his visit, as well as a view of the Ojibwe camp, likely the only known view of Indian people camped at Coldwater.

70.The Dakota traded guns & blankets for the Ojibwe's bark canoes and sugar. In the days that followed the Dakota and Ojibwe—the latter now number almost 500—counseled with Taliaferro and with each other and danced together throughout the area of the Reservation. On July 12, 1835, Taliaferro stated that:

> The Pillager Chippeways, Sandy Lake & Mille Lac Indians dance at the agency at the Fort Gate & at the Sioux Camp. The main object to take leave of the Post & to show the Sioux of this vicinity that they having washed their faces for the Black & painted Red as an emblem of peace towards them and that they need not fear any harm. It is only the Wahpeton & Sisseton they dislike for their band conduct.

71. Later on Taliaferro stated that "the Several Bands of Mdewkanton Sioux Young men Dance at the Chippeway encampment and before my house," a clear and unmistakable reference to the ceremonial use of Coldwater given the fact that on July 15, 1835, Taliaferro stated that "the Chippeways 485 & near 500 souls [are] still encamped at Cold Water." The next day the Ojibwe danced "at the Trading Houses on the west of the St. Peters and at the Sioux Camps—Presnts & civilities interchanged." In a speech that day a leader of the Leech Lake Ojibwe stated: "Several of our young men have been sleeping in the Sioux lodges since they came here, and if any harm had been intended to the Sioux it is more than I know."

72. Again that winter, ceremonies continued away from Fort Snelling in winter hunting territory. On December 14, 1835, Taliaferro's Dakota language interpreter returned from the St. Croix River bringing in five deer:

> The Sioux & Chippeways were below the Falls of the St. Croix on the Chip. Land by invitation, Danceing, playing Ball & feasting together."

Oral Tradition About the Fort Snelling Reservation and Coldwater Spring

73. Further evidence can be found of ceremonial encounters between Dakota and Ojibwe at Fort Snelling. The evidence shows that the Fort Snelling Reservation was used by Dakota and Ojibwe as place to make peace, a kind of neutral territory where trade and peaceful exchanges could take place.

74. The record of evidence in Taliaferro's journal accords in some ways with some examples of Dakota oral tradition. The anthropologist Ruth Landes in her work on the Prairie Island Dakota, *The Mystic Lake Sioux* (1968: 85-86) records a traditional account of a peace ceremony said to have occurred between the Dakota and Ojibwe or as she spells the name, the Ojibwa. The story says that the Dakota chief was named Shakopee and had a village in an area near the Ford Factory in St. Paul and near Minnehaha Falls in Minneapolis, a place such as Coldwater. But the story also says that the event took place at Shakopee, which may be the result of confusion in translation or in remembering the tradition. In fact the story recalls many of the incidents recorded by Taliaferro and others as taking place on the Fort Snelling Reservation and at Coldwater.

75. The story told that an Ojibwa chief had sent word that "his people were coming to make peace with the Sioux." The Dakota chief gathered all his villages to meet the Ojibwe. The people came from the east and west.

> Some Ojibwa arrived in the advance of the chief; four came with their chief; next day the whole body of Ojibwa arrived and camped at a distance from the Sioux, totaling about 150 men, women, and children. The chief and his companions stayed with the Sioux until the other Ojibwa arrived; then the chief and his men returned to their people. The Ojibwa chief with some chosen men walked forward in a line parallel to the Sioux encampment. The Sioux chief likewise advanced to the Ojibwa. The Sioux lit his redstone pipe [carved starkly and decorated with dyed braids of porcupine quill and downy feathers] and handed it to the Ojibwa chief for a puff. The latter handed his pipe equally choice in style and finish, to the Sioux, inviting him to puff. Each man received back his own pipe after pointing that of the friendly enemy to the six directions. The Ojibwa chief gave his pipe to the Sioux guards facing his camp in a parallel line; and the Sioux chief reciprocated with the Ojibwa guards. Each chief, having returned to his own men, shook hands with the other, saying that they would never war against each other.

76. Afterwards there was a feast, dancing and other celebrations, lasting through the night. "Everyone was happy when peace was restored. Landes noted that even in 1935

the Dakota and Ojibwe still talked of being enemies, yet "these people made peace, probably as often as they made war."

77. Frances Densmore, in her work *Chippewa Music,* published in 1910 and 1913 provided additional information of these kinds of peace events, from the Ojibwe point of view (Densmore 1973, 2: 126-29). An Ojibwe war leader whose name was the same as his tribe sang her a song that would be sung at a peace treaty between the Dakota and Ojibwe, an event "attended with much ceremony." This song was sung by both tribes using the same melody but with different words. In it the members of each tribe would sing the praises of the leaders of the other tribe. The Ojibwe version praised Little Crow, Little Six, and Wabasha, in succession. The Dakota would have sung the same song praising Ojibwe leaders such as Hole in the Day and others. After the song the two groups would share a pipe ceremony, dances, and the exchange of presents, exactly the kinds of events that took place at Fort Snelling in the 1820s and 1830s

78. Other aspects of the evidence from Taliaferro's journal accords with statements made by the Ojibwe religious leader and educator Eddie Benton-Benai stated in his testimony at a hearing in 1999, relating to the Native American claim to the Coldwater area. At that hearing Benai stated, according to a rough transcript (Minnesota Department of Transportation 1999):

> Through our oral traditions, our history, recent and older, we know that the falls which . . . came to be known as Minnehaha Falls, that there was a sacred place, . . . a neutral place for many nations to come, and that further geographically define the confluence of the three rivers, which is actually the two rivers, that that point likewise was a neutral place. And that somewhere between that point and the falls, there were sacred grounds that were mutually held to be a sacred place. And that the spring from which the sacred water should be drawn was not very far, and I've never heard any direction from which I could pinpoint, but there's a spring near the [Midewiwin or medicine] lodge that all nations used to draw the sacred water for the ceremonies.
>
> Now that's in the words of our people of the [Midewiwin] lodge. And the people that are concerned or the people that are identified there are the Dakota, the Sac, the Fox, the Potawatomi, the Wahpeton Dakotas, the Mdewakanton Dakotas, the Meskwaki people as all having used and recognizing and mutually agreeing that that is forever a neutral place and forever a sacred place. That is confirmed in our oral history. And it is difficult even to estimate when the last sacred ceremony was held inter-tribally, but my grandfather who lived to be 108 died in 1942, and I will tell you this, that many times he re-told how we traveled, he and his family, he as a small boy traveled by foot, by horse, by canoe to this great place to where there would be these great religious spiritual events, and that they always camped between the falls and the sacred water place. Those are his words. . . .
>
> Within my physical memory, visiting the Prairie Island Dakota Nation as early as the 1940s, there were still elders in that community in the 1940s who were still

> members of the Midewiwin Lodge along with the Winnebago of Wisconsin. And my memory serves me to say that there was a great dialogue among our people and those of the Prairie Island Community regarding the lodge, and that's how we have always known this way of life and practice as the lodge, but meaning the Midewiwin Lodge as a system of belief. . . . The Honorable Amos Owens . . . is the last person of that community I ever heard talk about that mutually sacred place, meaning the falls and the spring from which sacred water is drawn, Coldwater.

79. Taliaferro's journal does not state that the Ojibwe and Dakota took part in the Wakan wacipi or the Midewiwin at Coldwater Spring, in the period 1820 to 1839. However Taliaferro was not present at all the events he described as taking place there and given the brief way he describes some of the dances, such ceremonies could certainly have taken place there, even in an abbreviated form such as the dance described by Zebulon Pike in 1805. The evidence Taliaferro reports Ojibwe attending a medicine ceremony at Lake Calhoun makes clear that the two groups did on occasion participate together in the medicine ceremony. The common threads between the two medicine lodges make clear that the rituals each carried out would easily have been understood by members of the other lodge.

Later History of the Fort Snelling Reservation

80. In 1851, the Dakota and the U.S. government signed a major treaty involving the remainder of their land in Minnesota (White and Woolworth 2004). One of the treaty signings took place on the slopes of Oheyawahi, within the sacred area on either side of the mouth of the Minnesota River. In the treaty negotiation there does not appear to have been any reference to Pike Treaty, however after the implementation of the treaty, the Dakota were removed to western Minnesota, making continuing their continuing use of the Fort Snelling Reservation difficult if not impossible.

81. In the spring of 1863, after a winter in prison in a camp below the fort, around 1300 Dakota were exiled from Minnesota, in the aftermath of the U.S.-Dakota Conflict. In February 1863 a bill was passed by Congress, the purpose of which was to punish those of the Dakota who had fought against the United States. It included a provision to allowing the purchase of land on the Dakota Reservation on the Minnesota River for those "friendly " Dakota who had aided whites during the Conflict. Nothing was done to carry out this provision until a new law was passed by Congress providing a sum of money to the friendly Dakota (Meyer 1993: 260-62).

82. During this period the remaining Mdewakanton Dakota were scattered in various locations in Minnesota, with a concentration around Mendota, where they were more sympathetically treated than elsewhere. In the 1880s a few Dakota began to return to Minnesota to settle again on lands near old village sites. Some returned to pay respects to their ancestors buried on Oheyawahi (White and White 2004). In the late 1880s a series of federal appropriation acts resulted in the purchase of trust lands in various places in Minnesota. As a result of these appropriations the federal government began to enroll the

Mdewakanton Dakota in Minnesota, a process which ultimately resulted in the re-establishment of Dakota reservations at Prairie Island, Lower Sioux, and Shakopee. The area of the old Fort Snelling Reservation was not accorded the same status, despite the continuing presence of Dakota at nearby Mendota (Meyer 1993: 279-93, 345-57).

83. Throughout the late 19th century the military establishment at Fort Snelling was expanded to include areas formerly used for the Indian agency and for Indian encampments, limiting its possible use by Dakota people (Clouse 2001: 50-52; Henning 2002: 18-23). Coldwater Spring became the source of water for a plumbing system that supplied the entire expanded fort. In the 20th century a Veterans Administration Hospital was built on the top and the eastern slope of Morgans Mound. While Coldwater was known as a public park during the 1920s and 1930s, access was subsequently limited by the presence of a secure Bureau of Mines facility there from the late 1950s to the 1990s (Henning 2002: 23). Only in recent years have the Dakota had the opportunity to return to Coldwater Spring.

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FURTHER YOUR AFFIANT SAYETH NOT.

_____

Bruce White

Subscribed and sworn before me
this____ day of _____, 2006.

_____
Notary Public