

Lincoln, the Dakota 38 and the racist falsification of history

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On October 11, protesters in Portland, Oregon tore down a statue of Abraham Lincoln, leaving the phrase “Dakota 38” spray painted at its base. The attack took place during a protest called the Indigenous Peoples Day of Rage Against Colonialism, organized in opposition to the nationally observed Columbus Day holiday on October 12.

“Dakota 38” is a reference to the Dakota War of 1862, which resulted in the execution of 38 Dakota Sioux Native American men for launching an uprising in Minnesota during the Civil War. This is the largest mass execution in US history. It was also the largest act of executive clemency in US history. Though the Civil War was raging and the fate of the nation hung in the balance in the autumn of 1862, Lincoln personally reviewed the case and reversed the death sentences of 265 other Sioux men. He suffered bitter political recriminations as a result.

The executions took place during a war which would abolish chattel slavery at the cost of more lives than all other American wars combined. For leading the revolutionary struggle to emancipate 4 million slaves, Lincoln would ultimately pay with his life on April 15, 1865, just six days after Confederate General Robert E. Lee’s surrender at Appomattox.

Ripped from this historical context, the tragic events that took place in Minnesota 158 years ago are manipulated to portray Lincoln as a racist no different from those who called for the extermination of the Native populations. This is part of a larger campaign, spearheaded by the *New York Times*’ 1619 Project, to undermine the democratic and egalitarian legacy of America’s first two revolutions.

Another Lincoln statue has been targeted for removal on the same grounds as in Portland. On September 29, the University of Wisconsin-Madison student government voted to unanimously approve a resolution to remove a historic Lincoln statue from a main common area on the campus, arguing that it serves as a remnant “of this school’s history of white supremacy.”

In an email to The College Fix, Robyn George, chair of the Associated Students of Madison’s (ASM) Legislative Affairs Committee, argued Lincoln should not be memorialized on account of the “good things he’s done for America, such as passing the 13th amendment, [when] in fact, Lincoln ordered the largest execution on American soil: 38 Dakota peoples.” ASM’s Diverse Engagement Coordinator Chrystal Zhao told the outlet that Lincoln is a “representation of ethnic cleansing of indigenous folks” and claimed that seeing his figure on campus makes students “feel uncomfortable.”

Significantly, no social demands were put forward by the October 11 protesters or by the ASM. They make no reference to jobs, hospitals, housing or health care for Native peoples, the most oppressed section of the American population.

The WSWs condemns the destruction of the Lincoln statue in Portland and the broader attack on the 16th president, and rejects the distorted narrative put forward by the petty-bourgeois promoters of identity politics. As always, the best answer to the racist falsification of history comes from a review of the actual historical record.

The Dakota war: August 17-September 23, 1862

Leading up to the outbreak of conflict in southwestern Minnesota, tensions had been rising for years due to injustices inflicted on the Dakota by the national and state governments, as well as land speculators and business interests that sought to rob them of their ancestral lands.

An estimated 150,000 American settlers had moved into Dakota territory over the course of the decade before the Civil War. Treaties passed between the Dakota Sioux and the US government forced the Native Americans to relinquish nine-tenths of their land. By 1858, the same year Minnesota was admitted to the US as a state, over 7,000 Dakota Sioux were confined to a tiny reservation on a narrow strip of land along the Minnesota River. They were no longer able to fully support themselves in their traditional manner via hunting and agriculture and were dependent on goods, services and annuity payments promised in treaties with the federal government. The Dakota depended on these payments for their survival, but corrupt federal agents and traders would often cheat them out of their money.

The fall harvest in 1861 was poor due to an infestation of cutworms, and the following winter was severe. By late spring, many Native Americans were starving and forced to sustain themselves on roots. When they assembled to receive their annuity payments, the goods and money were late. Reservation traders claimed half of the annuity for payment of goods previously given to the Dakota, even though Dakota Chief Wabasha had never agreed to this transfer of funds. There was promise of a successful fall harvest of corn and vegetables, but rumors circulated that there would be no annuities at all that year.

On August 4, Dakota broke into the Yellow Medicine Upper Agency settlement warehouse to get food and a small group of Minnesota Militia, threatening the use of cannon, fought off the starved and desperate group. Additionally, agents and traders at the Redwood Lower Agency settlement refused to allow Dakota to purchase food on credit, even though they faced starvation. Andrew Myrick, a trader at the Lower Agency, famously expressed the attitude of many American settlers in the region at the time, remarking, “so far as I’m concerned, let them eat grass.” The callous statement ignited fury among the Mdewakantonwan band of Dakota, who received their annuities from the Lower Agency traders.

On August 17, four Dakota men who were returning from a hunting expedition killed five white settlers in Acton, Minnesota. Upon hearing news of the killings, Dakota leaders met to discuss the situation and decided to go on the offensive.

The next morning on August 18, a group of Dakota men led by Taoyateduta (Little Crow), a leader of a Mdewakantonwan band of Dakota, attacked the Lower Agency settlement. The uprising was encouraged by the absence of fighting-age men among the settlers. About one-eighth of Minnesota’s entire population of 180,000 fought in Civil War, higher than any other Union state.

A six-week period of fighting ensued in Minnesota and resulted in the bloodiest conflict between Native American and American settlers since the colonial period. The fighting affected tens of thousands of civilians and non-combatants. Over a hundred settlers, mostly women and children, were captured by the Dakota. Terrified by the outbreak of violence, an estimated 20,000 farmers picked up their families, deserted their crops, and fled to St. Paul. Well over 600 white settlers, an estimated 200 soldiers, and as many as 300 Dakota died in the conflict.

Confronted with the combined force of the US military and citizen militia, and facing diminished support for the war among their own ranks as well as neighboring tribes, the Dakota surrendered on September 23 after a bloody defeat at the Battle of Wood Lake. American troops rounded up thousands of Dakota soldiers as well as hundreds of men, women, and children who had nothing to do with the conflict. Soldiers burned crops, destroyed homes, and placed the Dakota Sioux into barbaric internment camps.

Approximately 1,500 Dakota men, women and children were taken into custody. Almost immediately, the military carried out show trials to condemn hundreds of them to death.

The Dakota trials and executions: September 28–December 26, 1862

From September 28 until November 5, nearly 400 Dakota men were tried by a five-man military commission. Prior to Lincoln's final decision in the matter, the majority of the 392 who were convicted—303 Dakota men—were sentenced to death.

In his 2013 study "I Could not Afford to Hang Men for Votes—Lincoln the Lawyer, Humanitarian Concerns, and the Dakota Pardons," legal historian Paul Finkelman, who was then a professor at Albany Law School and is now the President of Gratz College in greater Philadelphia, notes that the Dakota trials were in violation of the traditional rules of war as combatants were put on trial and sentenced to death on the theory that they had not been involved in a legitimate war but rather had participated in some illegal violent activity.

Finkelman writes, "The military tribunal essentially held that there was no meaningful distinction between those who committed what might be regarded as war crimes and those who were merely soldiers or fellow travelers in Little Crow's make-shift army...The standard of guilt was quite simple: anyone who fired a rifle in any form of combat was considered guilty and subject to the death penalty."

The Dakota trials denied counsel for the defendants and were carried out with vengeance and haste by a military commission, appointed by General Henry Hastings Sibley, and comprised of white Minnesota residents who tried the Dakota as murderers instead of belligerents engaged in a legitimately declared war. Finkelman explains, "General Sibley clearly had no real sense of due process or fair trials, as he reviewed the trials that lasted a few minutes and sentenced men to death for non-capital offences on the basis of virtually no evidence." In response to the bloody conflict, the Minnesotans demanded a mass execution.

Trials had been underway for two weeks before Lincoln received news of the planned executions. On October 14, US General John Pope, then head of the newly established War Department of the Northwest, sent a report on the ongoing trials and planned executions to Lincoln, which was read aloud during a cabinet meeting in Washington, DC. Lincoln and his cabinet were deeply disturbed by the news and swiftly moved to prevent any precipitous action in Minnesota.

Secretary of the Navy Gideon Welles noted in his diary, "I was disgusted with the whole thing; the tone and opinions of the dispatch are discreditable...what may have been the provocation we are not told."

Welles suspected that the atrocities inflicted on the Dakota were part of a larger plan to remove all Native Americans from the state. His inclination would prove correct in the years following the trials.

The detailed account of the Dakota War trials and executions presented by Finkelman provides insight into the extreme care taken by Lincoln in his examination of the trial transcripts. By October 17, General Pope wrote to General Sibley, then head of the 2nd District War Department in Minnesota, that "[t]he President directs that no executions be made without his sanction."

The trials ended November 5. On November 10, directly after General Pope had forwarded the names of the condemned men, Lincoln immediately ordered all evidence be sent directly to him, requesting "the full and complete record of their convictions" and "a careful statement" indicating "the more guilty and influential culprits."

For nearly a month, even as the Civil War raged, Lincoln and his aides painstakingly reviewed the trial transcripts. They discovered a lack of incriminating evidence against most of the accused. The commissioners who had handed down the mass sentences were the very military officials who fought in the war against the Dakota. Under these circumstances, an objective and unbiased verdict was impossible.

University of Minnesota law professor Carol Chomsky notes in her often-cited 1990 study, "The United States-Dakota War Trials: A Study in Military Injustice," that Lincoln faced immense pressure to rubber stamp the mass execution of all 303 Dakota men. Multiple reports forwarded to Lincoln warned if there were not executions, gangs of settlers would carry out mass murder of not only the 300 defendants, but of women and children. In response to reports that Lincoln might not have carried out the full order, the *Stillwater Messenger* demanded blood. Its November 11 headline screamed, "DEATH TO THE BARBARIANS! Is the sentiment of our people."

Minnesota Governor Alexander Ramsey and military officers involved in the conflict, threatened the outbreak of mob rule if the executions did not take place. "I hope the execution of every Sioux Indian condemned by the military court will be at once ordered," Ramsey declared, "It would be wrong upon principle and policy to refuse this. Private revenge would on all this border take the place of official judgment on these Indians."

When forwarding the trial transcripts to Lincoln General Pope also included a call for all the executions to be approved. The letter from Pope, Chomsky explains, "warned [Lincoln] that the people of Minnesota, perhaps combined with some of the soldiers, would take matters into their own hands and kill 'all the Indians — old men, women, and children,' if the President did not allow all the 303 executions to go forward. If the President proved reluctant to decide, he suggested the condemned be turned over to the state government."

Republican Minnesota Senator Morton Wilkinson and representatives Cyrus Aldrich and William Windom wrote to Lincoln reciting stories of rapes and mutilation "well known to our people" and protesting any decision to pardon or reprieve the Dakota. If Lincoln did not permit the executions, they said, "the outraged people of Minnesota would dispose of these wretches without law. These two peoples cannot live together. We do not wish to see mob law inaugurated in Minnesota, as it certainly will be, if you force the people to it."

Even the US Senate—controlled by Republicans—passed a resolution introduced by Senator Wilkinson in early December demanding that Lincoln carry out the executions.

Reverend Henry Whipple, a Minnesota Episcopal clergyman sympathetic to the plight of the Dakota, visited the president in the White House as the conflict was raging in September and painted a picture of the brutality faced by the tribe. Lincoln reportedly responded that his encounter with Whipple had shaken him to his core, noting that the Reverend "talked to me about the rascality of this Indian business until I felt it down to my boots."

After careful consideration of the case, Lincoln decided to commute the sentences of 265 Dakota and to not overturn the executions ordered by the military tribunal of 39, writing their names out in various phonetical interpretations to ensure there would be no mistakes. Additionally, recognizing the real threat of vigilante violence in Minnesota, Lincoln ordered that the remaining prisoners be held, “subject to further orders, taking care that they neither escape, nor are subjected to any unlawful violence.”

In a letter to the Senate dated December 11, 1862, outlining his decision on the matter, Lincoln wrote, “Anxious 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 on the other, I caused a careful examination of the records of trials to be made, in view of first ordering the execution of such as had been proved guilty of violating females.” Lincoln said that only two Dakota men could be proven to have violated women. He then explained that he attempted to distinguish those who participated in “massacres” from those participating in “battles,” which considerably reduced the number of death sentences. One additional Dakota man would be commuted days prior to the December 26 executions based on additional evidence, bringing the number of those executed to 38.

In the seminal book *Bury My Heart at Wounded Knee*, Dee Brown notes that information was released later that two of the men hung were not on Lincoln’s list, and many had maintained their innocence until the very end. One of those was a young Dakota, Rdainyanka, who was the son-in-law of Chief Wabasha, who had encouraged their surrender, promising that it would ensure no future loss of life. In a final letter to his father-in-law Chief Wabasha, Rdainyanka wrote:

Wabasha - You have deceived me, you told me that if we followed the advice of General Sibley and gave ourselves up to the whites all would be well; no innocent man would be injured. I have not killed, wounded, or injured a white man or any white persons. I have not participated in the plunder of their property; and yet today I am set apart for execution...When my children are grown up, let them know that their father died because he followed the advice of his chief and without having the blood of a white man to answer for to the Great Spirit.

Lincoln’s distinction between the Dakota’s participation in “battles” versus “massacres” also uprooted the entire public narrative about the wars against the Native peoples and acknowledged, through the framework of the laws of war, the legitimacy of the Dakota’s cause.

In this context, his decision to consider the Native American defendants as “people” who had the right to the presumption of innocence exemplifies a far more humane approach than that of the political parties, courts, settlers, and land speculators who by and large had at every turn throughout American history supported the removal of Native Americans from their land without any consideration for their rights.

The line of presidents that preceded Lincoln, dating back to Andrew Jackson, supported as state policy something that today would be defined as ethnic cleansing. This policy would reemerge with a vengeance with the explosive growth of American capitalism after the Civil War. Lincoln’s approach proved to be only a pause in this chain of dispossession and violence.

His own personal experiences with Native Americans provide insight into Lincoln’s careful decision concerning the Dakota.

Lincoln came of age in a climate of tremendous prejudice against Native Americans. He was himself from the backwoods of the trans-Appalachian frontier, having been born in Kentucky and moved to southern Indiana in 1816, then to the Illinois frontier in 1830. The uncertainty and danger of living in the backwoods and in close proximity to Native Americans was ever present.

This was most certainly the case for Lincoln’s family, as his grandfather, Abraham Lincoln Sr., was killed by a small group of Shawnee Native Americans during a raid on their farm in Kentucky in 1786. Lincoln’s father, Thomas, was eight years old when he witnessed his father’s murder and his older brother Mordecai shoot a Native American dead. The event would have a profound impact on the family.

In writing to a relative in 1863, Lincoln wrote that of all the stories relative to his ancestry, “the story of my grandfather’s death and of uncle Mordecai, then fourteen years old, killing one of the Indians is the legend more strongly than all others imprinted among my mind and memory.”

At just 23 years old, Lincoln enlisted in the Illinois militia to fight in the Black Hawk War of 1832. He was made the commander of his unit, and though prepared to fight the Sauk tribe, he was able to ensure that his company never engaged in combat. He witnessed the war’s atrocities as well as the resulting removal of the Sauk from northwest Illinois to a reservation in Iowa.

Lincoln encountered the aftermath of battles and therefore saw with his own eyes the brutal style of warfare with the Sauk. After the American defeats at Stillman’s Run and the Second Battle at Kellogg’s Grove, Lincoln and his company were given the somber and gruesome task of gathering and burying the dead. Near Ottawa, Illinois, Lincoln and his unit also encountered the bloody result of a massacre in which soldiers, women and children had been mutilated and killed.

Towards the end of the war, Lincoln’s company buried a cadre of scouts that had been attacked. Lincoln recalled, “I remember just how those men looked. . . as we rode up the little hill where their camp was. The red light of the morning sun was streaming upon them as they lay, heads toward us, on the ground, and every man had a round, red spot on the top of his head, about as big as a dollar, where the redskins had taken his scalp. It was frightful, but it was grotesque, and the red sunlight seemed to paint everything all over.”

Despite his horrific experiences during the Black Hawk War, Lincoln recognized the complexity of relations with the Native Americans and maintained an appreciation for their cultures and individual humanity.

On one occasion during the Black Hawk War, Lincoln’s unit was camped in Henderson County, Illinois, when an old man from the Potawatomi tribe arrived and presented a letter of introduction and safe passage from US Secretary of War Lewis Cass. Lincoln’s men took the man to be a spy and were set to kill him.

William G. Greene, Illinois militiaman and close friend to Lincoln, remembered the encounter, “Mr. Lincoln in the goodness & kindness and humanity & justice of his nature stood—got between the Indian and the outraged men—saying—‘Men this must not be done—he must not be shot and killed by us.’ Some of the men remarked—‘The Indian is a damned Spy.’ Still Lincoln stood between the Indian and the vengeance of the outraged soldiers—brave, good & true.” The company threatened to attack Lincoln, but backed down after he challenged them to choose their weapons and fight him.

Lincoln’s early experiences with Native Americans

The Dakota war in the context of the Civil War: July–December, 1862

By 1862 it was clear that the Civil War would be long and bloody. As the year was ending, Union casualties exceeded 100,000, the national debt was accumulating, and many—even within Lincoln’s own party—began to refer to the war as “Lincoln’s War,” and called for a truce with the South even if it meant the continuation of slavery.

The Battle of Shiloh in April 1862 stunned the nation. It resulted in 13,000 casualties and 1,750 dead in a few days of fighting. In the summer of 1862, General George B. McClellan failed in his bid to capture Richmond, Virginia, the capital of the Confederacy. The Union army was humiliated at the Second Battle of Bull Run in Virginia in late August, even as the Sioux uprising was taking place in Minnesota, suffering another 14,000 casualties. Then in September, Confederate General Robert E. Lee launched his Maryland campaign, invading the North and threatening Washington, DC itself.

The Lincoln administration was thrown into crisis. The longer the war went on, the more the Democratic Party in the North, which backed peace with the Confederacy, gained support.

It was in this context that the Dakota War broke out. Assumptions of conspiracy were common. The *New York Times* wrote that “the Indians are in league with the rebels,” reporting that the outbreak of violence in Minnesota was the product of Confederate manipulation across the entire frontier. Military commanders warned that thousands of Native Americans would rise up in arms and deliver the west to the Confederacy. In October 1861, the Confederate government had formally recognized a faction of the Cherokee as a separate nation in Oklahoma. Lincoln wrote that “the relations of the government with the Indian tribes have been greatly disturbed by the insurrection.”

As the Dakota War was raging, Lincoln implemented a pivotal change. On September 22, five days after the Union Army stopped Lee’s invasion of Maryland at Antietam—still the bloodiest day in American history—Lincoln issued the preliminary Emancipation Proclamation proclaiming “as an act of justice” and “military necessity”, the freedom of slaves in all states or portion of states in rebellion against the US effective January 1, 1863. From this point forward, Lincoln would wage an uncompromising and increasingly violent struggle against the Confederacy to restore the Union and wipe slavery off the map for good.

The Dakota trials took place on the eve of the national elections of 1862, which became a referendum on Lincoln’s war policy. Democrats, who ran an openly racist campaign against Lincoln and the “Black Republican party,” won a 27-seat swing in the House of Representatives on a peace platform. Republicans lost control of state legislatures in the critical states of Ohio, Pennsylvania, Illinois and New York due to war weariness and opposition to the Emancipation Proclamation. Lincoln needed the support of settlers in Republican strongholds like Minnesota.

On December 11, the same day Lincoln announced his decision to the Senate regarding the Dakota executions, Union forces under General Ambrose Burnside engaged in a bitter four-day conflict with Confederate troops under General Lee at Fredericksburg, resulting in another crushing defeat for the Union on December 15. It was the largest battle fought during the Civil War to that point, with an estimated 200,000 soldiers present, and would result in 12,000 Union and 5,400 Confederate casualties, dealing a devastating blow to Union confidence in the war. When Lincoln heard of the outcome, he is reported to have said, “If there is a worse place than Hell, then I am in it.”

In this historical context, Lincoln exhibited a level of humanity in the Dakota case that few others in his situation would have been capable of.

If he had been guided by short-term political calculations, Lincoln would have had every reason to simply allow the military tribunal’s order to execute all 303 Dakota men to take place. Lincoln was aware of the backwardness and racism that existed toward Native Americans, just as he was of racism toward blacks. Yet he did not make concessions to these tendencies, even within his own party. Lincoln’s larger strategy involved

elevating the consciousness of the population. His aim throughout the war was to tactfully mitigate the powerful racist tendencies that did exist and that were an objective block on his war policies.

In view of these facts, we join fully in Marx’s assessment, written in the name of the International Working Men’s Association on news of Lincoln’s assassination, that he was “one of the rare men who succeed in becoming great, without ceasing to be good.”

Conclusion

Those who denounce Lincoln for the execution of the 38 Dakota men, ordered and carried out by the Minnesota military tribunal, do so on the grounds of moral absolutes abstracted from history and the class struggle.

It is the same sort of approach to the past that Engels criticized long ago: “Its conception of history, in so far as it has one at all, is therefore essentially pragmatic; it divides men who act in history into noble and ignoble and then finds that as a rule the noble are defrauded and the ignoble are victorious.”

The moralistic attack on Lincoln is in reality an attack on the great struggle he led: the Civil War, the Second American Revolution. To Marxists, the instinctive class hatred of the petty bourgeoisie for history’s revolutions is nothing new. The moralizers also wag their fingers at the English Civil War, the Enlightenment, the American Revolution, the French Revolution and, most of all, the Russian Revolution.

In his 1938 essay “Their Morals and Ours,” Leon Trotsky argued against those who, under the banner of morality, equated the October Revolution with Stalinism and associated the actions of Trotsky and Lenin with the crimes of the Stalinist bureaucracy. Such arguments were used to discredit the Russian Revolution of 1917. Trotsky referenced the American Civil War and Lincoln and in so doing stressed that historical events and figures cannot be judged solely on the basis of bourgeois morality:

We leave to some Emil Ludwig or his ilk the drawing of Abraham Lincoln’s portrait with rosy little wings. Lincoln’s significance lies in his not hesitating before the most severe means once they were found to be necessary in achieving a great historic aim posed by the development of a young nation. The question lies not even in which of the warring camps caused or itself suffered the greatest number of victims. History has different yardsticks for the cruelty of the Northerners and the cruelty of the Southerners in the Civil War. A slave-owner who through cunning and violence shackles a slave in chains, and a slave who through cunning or violence breaks the chains – let not the contemptible eunuchs tell us that they are equals before a court of morality!

The events in Minnesota took place in the immediate context of the Civil War, and the revolutionary fight against the powerful slaveholding oligarchy that ruled the South. Lincoln, as the leader of this revolutionary struggle, had to subordinate all other questions to the war, which hung on a knife’s edge in the fall and winter of 1862. It is to Lincoln’s credit that even in this desperate scenario he did not concede to the bloodlust of the Minnesota politicians and military officers.

The Dakota people were entirely justified in opposing the seizure of land by Minnesota settlers. They faced dispossession and as a result of their defeat they were largely driven out of the state. The immense crimes committed against the Dakota and all other Native populations of North

America, a history that stretches back to colonial times, can never be washed away.

Yet this historical tragedy cannot be understood through the lens of petty-bourgeois moralizing. The history of conflict between the Americans and the Natives is bound up with the emergence of capitalism. The indigenous peoples could not be reconciled to the private ownership of land, and so they were dispossessed. When they fought back, they faced savage reprisals again and again.

The history of capitalist oppression of Native Americans continues to the present. The toppling of the Lincoln statue in Portland does nothing to benefit Native Americans, who are the most impoverished and oppressed segment of the American population. They face the shortest life expectancy, highest rates of substance abuse, domestic violence, and joblessness in the country, as well as a general lack of access to health care and basic necessities on the reservations.

A reckoning for the crimes of the past can only come through the fight for socialism in a struggle against capitalism and its many political apologists. This requires an unflinching defense of America's revolutionary heritage, including Abraham Lincoln.



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