

No. 11. WAH-PA-DU-TA.—Confesses that he was engaged in the massacres, and that he shot a white man.¹

Trial Record October 7, 1862

Proceedings of a Military Commission convened at Camp Release opposite the Mouth of Chippewa River by virtue of the following order

Head Quarters Camp Release

A Military Commission composed of Colonel Wm Crooks of the 6th Reg., Lieut. Col. Marshall of the 7th Regiment, Captains Grant & Bailey of the 6th Reg. And Lieut. Olin of the 3rd Reg. Will convene at some convenient point in camp at 10 o'clock this morning to try summarily the Mulatto, and Indians, or mixed bloods, now prisoners, or who may be brought before them, by direction of the Col. Commanding and pass judgment upon them, if found guilty of murder or other outrages upon the Whites, during the present State of hostilities of the Indians, the proceedings of the Commission to be returned to these Head Quarters immediately after their conclusion, for the consideration of the Col. Commanding.

~~By order of the Colonel Commanding Military Expedition~~

Camp Release opposite the
Mouth of Chippewa River, Minn.

The Military Commission met pursuant to the above order-

Col. Crooks – 6th Regt. M. V.
Lt. Col. Marshall, 7th Regt. M.V. Members
Capt. Grant, 6th Regt. M.V.
Capt. Bailey, 6th Regt. M. V.

Lt. Olin – 3rd Regt. M. V., Judge Advocate
Adjutant Heard – McPhail's Mounted Rangers – Recorder

The Military Commission was then duly sworn and Wah-pa-doo-ta, a Sioux Indian, was arraigned on the following charge and specification viz:

[Frame 111 – note frame out of sequence]

Charge and specification against Wah-pa-doo-ta, a Sioux Indian

Charge – Participating in the murders and robberies of whites by the Sioux Indians.

Specification – In this that the said Wah-pa-doo-ta, a Sioux Indian, did between the 18th day of August 1862 and the 28th day of September 1862 join with and participate in the murders and robberies committed by the Sioux Indians on the persons and property of the white citizens of the United States on the Minnesota Frontier.

[By order of, etc.]

[Frame 107]

The prisoner being asked whether he was guilty or not guilty, made the following statement:

I am not guilty. At the time of the outbreak I was among the settlements and the Indians came down and that was the first news I heard of it. I was living with the Germans at near New Ulm. They built a house for me. I did not go to New Ulm. I was at the battle this side of the Cotton Wood River – at New Ulm. I had no gun and was a good ways off – had not even a knife – Have not been at with any other war party – have kept myself at home – I am telling the truth. I and my German neighbors were great friends. I was not at the Lower Agency when the murders were committed there.

I have killed no white men. I was going into a house and a white man presented his gun to my breast and I shot him. Some of the Indians said I had shot another white man, but it is not true.

David Faribault, being duly sworn says-

I was at the prisoner's lodge the day after the troops came here and he told me he killed 2; have seen him often at battles – at New Ulm – at the Fort and at the last battle. He said the persons he killed were 2 cooks – I thought he meant Myrick – He said he shot one in the head and one in the body-

His wife was present. The place he mentioned was where [????] and Myrick were killed.

The prisoner further states: All the Dakotas have killed whites. If the guilty are punished, there will be none left – I saw [Wacouta?] in war parties where I was –

[Frame 108]

The prisoner further states-

The man I shot was near New Ulm – I was in the battle at the Fort but had no arms- It was an old man that I shot with a white head of hair – I shot him and he fell-

The Negro was with the party at the time but was not present – the negro is my son-in-law – I heard he was a brave man – A ~~The~~ family was killed on the west side of New Ulm on the hill – I went there and found they were killed after I heard firing – Tazoo was of the party who killed them – He is a juggler. It was below the Fort near a stream where the nigger killed people with a hatchet – There is another stream near this one – The negro killed 4 – I was always with him at the start but I was left behind – When I overtook them they told me the others killed 12 – He had a gun and a hatchet with him –

They had guns – Below where he killed this 4 they set the house on fire – I heard them say there were people in the house – I turned back from there – I shot at the man because he attempted to shoot me first – The colored man went of his own free will with us. I was living with my son-in-law when the outbreak commenced. We started away together but he left me and went on with the

[Frame 112 – note frame out of sequence]

young men - Ta o pe brought us word that ~~they~~ the Indians were all going below to ~~fight~~ New Ulm.– that they ~~were going~~ had killed all at the agency – that they were going to kill all the whites -- The Negro was cutting hay at the time – I heard the black man [hallooing?] hollering that the Indians were coming – I then saw him take his gun and go towards the Indians. The Negro went because he was willing to go.

[Frame 109]

The case being closed the Commission was then cleared and proceeded with their finding.

The Military Commission after due deliberation in the foregoing finds the prisoner the said Wah-pa-doo-ta, a Sioux Indian, as follows:

Guilty on the specification.

Guilty on the charge

And sentenced him to be hung by the neck until he is dead.

[Signatures of Mil. Com.]²

Riggs Synopsis December 1862

6. Wa-pa-doo-ta (*Red Leaf*) is an old man; he says he was mowing when he heard of the outbreak; he saw some men after they were killed about the agency, but did not kill anyone there; he started down to the Fort, and went on to the New Ulm settlement; there he shot at a man through a window but does not think he killed him; he was himself wounded at New Ulm.³

¹Whiting-Ruggles Report to Abraham Lincoln December 5, 1862.

²Dakota Trials Records. Microfilm and holograph records in Center for Legislative Archives, U.S. Senate Records, National Archives. Transcription by Walt Bachman. See corresponding digitations of microfilm by John Isch.

³*Mankato Independent* December 26, 1862, "Confessions of the Condemned" p. 2. Editorial introduction reads: "Rev. S. R. Riggs has kindly prepared for us the following synopsis of conversations held with each one of the condemned prisoners, wherein is contained much interesting information."