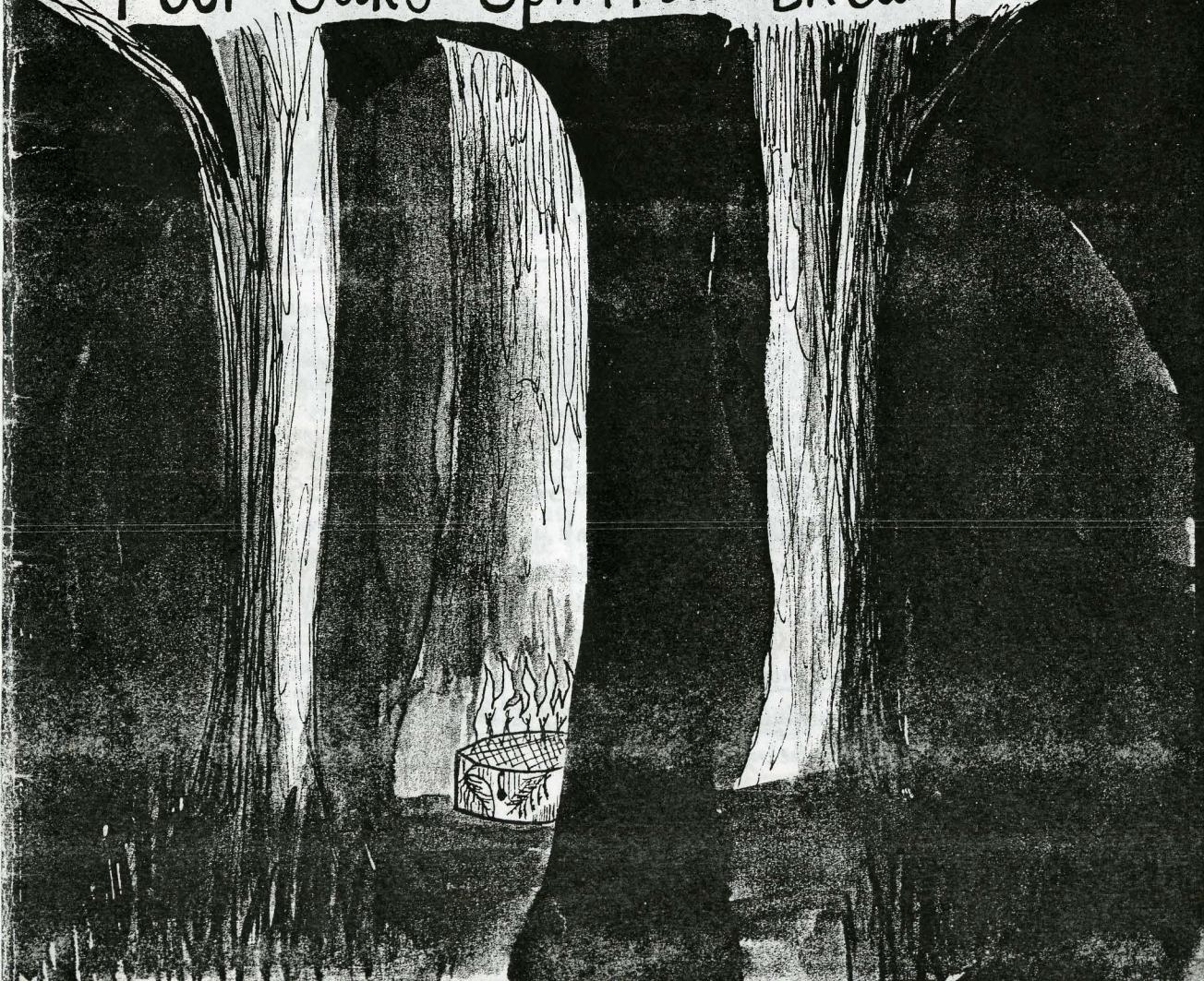


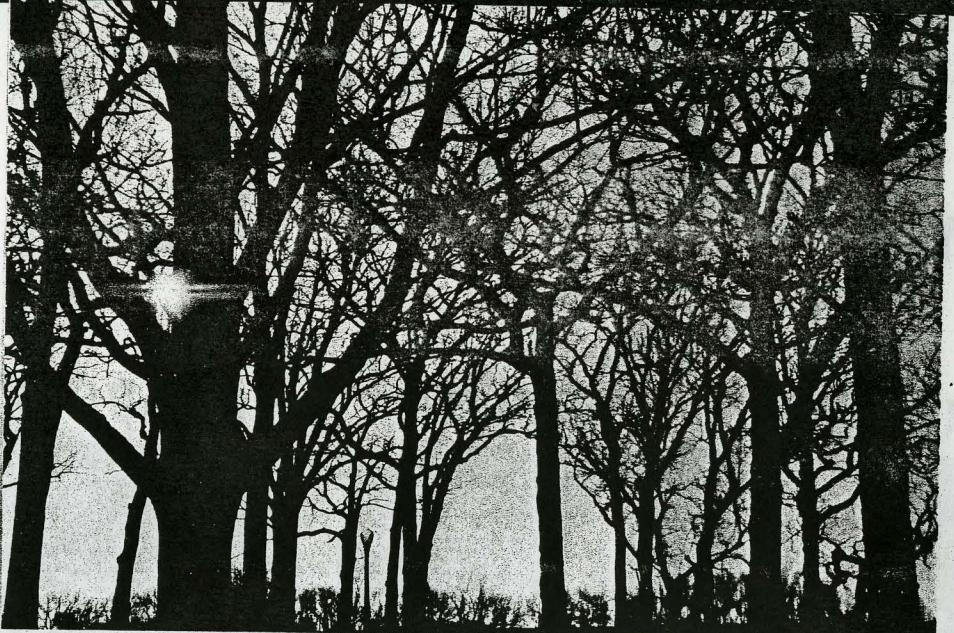
A COMMEMORATIVE HISTORY OF

The Minnehaha Free State

and

Four Oaks Spiritual Encampment





A Commemorative History of the Minnehaha Free State  
by Elizabeth Marie Egan, Tlingit Nation

1<sup>st</sup> ed.: June 2006  
2<sup>nd</sup> ed.: July 2006

Much love and respect to all those who make this story one to continue to tell including:  
Soil, Tree, Flo, Marshall, Solstice, Wes, Nettle, Austin, Squash, Talia, Toxic, N.J.C., Emily, Meghan, Maddie, Caleb, Rory, Teatree, Shane, Sky, Huck, David, Tumble, Bob, Jeff, Bryan, Jim, Jimmy, Tarzana, Midnight, T, Bear, Bill, Paul, Carol, Katie, Susu, Cricket, Anton, Anna, Willow, Owen, Water, Little Bear, Purple, many more, and Freedom, who unbeknownst to me spent years compiling first hand accounts of the Free State into a book called "LISTEN," which I discovered while distributing this project in Minneapolis: we are miles apart, and years separated, but still on the same wavelength, both putting these projects out in 2006. Wow. You can order her amazing book: Books @ Eli King P.O. Box 526 . Finland, MN 55614.

These sources were so helpful in this project (thank you!):

Cheryl Lewis Fields. "Department of Interior Calls for Digi." Native American Press. (Oct. 27, 2000).

Mary Losure. Our Way or the Highway: Inside the Minnehaha Free State. U. of MN Press (2002).

Mike Mosedale. "I Can't Drive 55." City Pages. Volume 23, Issue 1136.

Solstice's Slingshot Article: [slingshot.tao.ca/index.php](http://slingshot.tao.ca/index.php)

T. Proctor. "Shadows of Waco!" [culturechange.org/issue15/i-55.html](http://culturechange.org/issue15/i-55.html)

Bruce M. White, Ph.D. "Highway 55 and the Camp Coldwater Settlement: An Independent Investigation (Feb. 2000)

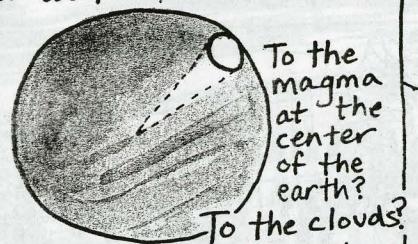
[www.preservecampcoldwater.org](http://www.preservecampcoldwater.org)

[http://members.aol.com/norerroute/Highway\\_55\\_occupation.html](http://members.aol.com/norerroute/Highway_55_occupation.html)

I wrote an academic paper on the inter- and intra-governmental agreements surrounding this story that can be emailed to anyone interested: [inverug@hotmail.com](mailto:inverug@hotmail.com)

To order more copies, please contact ↗

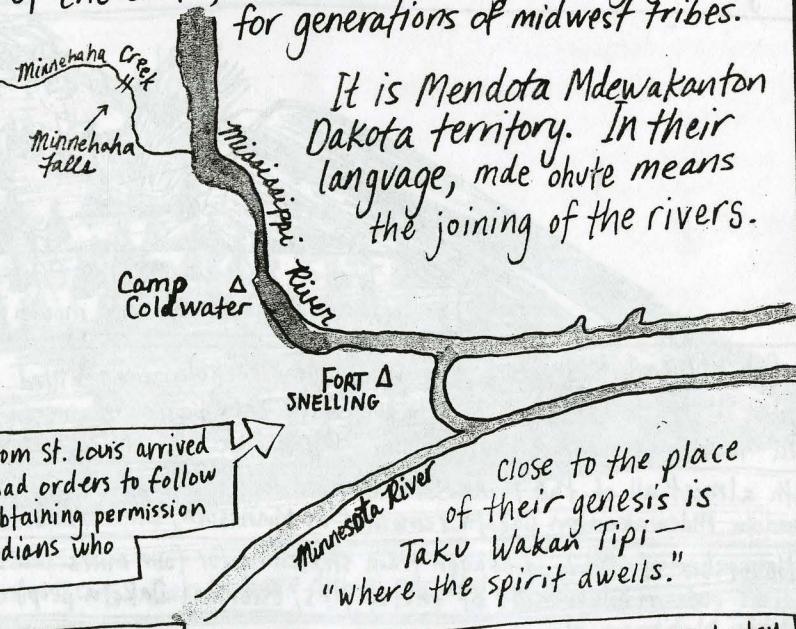
How can we own land?  
How deep do we own it?



How deep must our roots connect before we have a say in the fate of the land, our shared destiny?

Some stories call the confluence of the Minnesota and Mississippi Rivers "the center of the earth," as it has been a gathering ground for generations of midwest tribes.

It is Mendota Mdewakanton Dakota territory. In their language, mde'ohute means the joining of the rivers.



In 1805, a U.S. Army expedition from St. Louis arrived at this spot. Lt. Zebulon Pike had orders to follow the Mississippi north to its source, obtaining permission to build military posts from the Indians who claim the land.

Pike wrote up a treaty granting the U.S. sovereignty over 9 miles of the Mississippi from the confluence of the rivers north to St. Anthony's Falls in present-day North Minneapolis. Mdewakanton leader Cetanwakanmani gave his consent, signing the treaty with an "X". In exchange, Pike distributed \$200 worth of trade goods and 60 gallons of whiskey with more payments to come. By 1820, U.S. Army soldiers were erecting Fort Snelling, quite close to the confluence of the rivers.

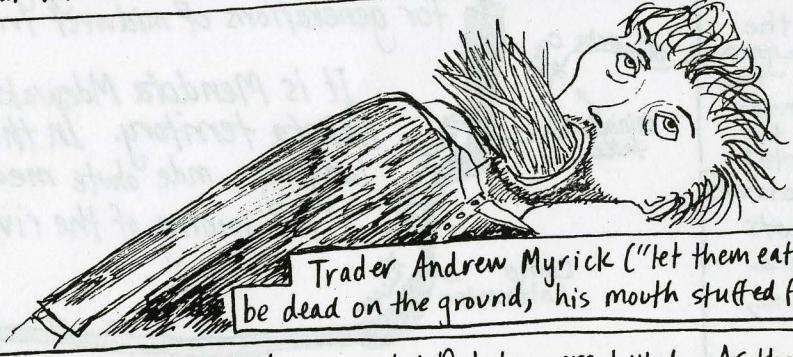
Treaties became more and more restrictive as more European settlements came to dominate this area that would become the center of the St. Paul-Minneapolis metropolitan area.

By 1862, all Minnesota Dakota were confined to a narrow 10-mile strip of land along the Minnesota River. It had been a hard, cold winter with heavy snows, and now the Dakota were banned from their usual hunting grounds. The land payments and food promised by the U.S. in exchange for the territory was slow in coming, stolen by corrupt agents, or illegally seized by others on the "frontier."



He asked the agent to arrange for food for his starving people, warning that when men are hungry, they help themselves. Trader Andrew Myrick's response was, "If they are hungry, let them eat grass or their own dung."

Two days later, four young Mdewakanton Dakota men looking for food killed five white settlers. Regional leaders of tribes, like Shakopee, met and decided that war had been declared: blood had been shed and the land payments would be stopped and the whites would seek vengeance. Leaders Big Eagle, Wabasha and Wacouta pressed for peace, as they knew there was no hope in going to war with the whites. But war was declared, and attacks began that night.

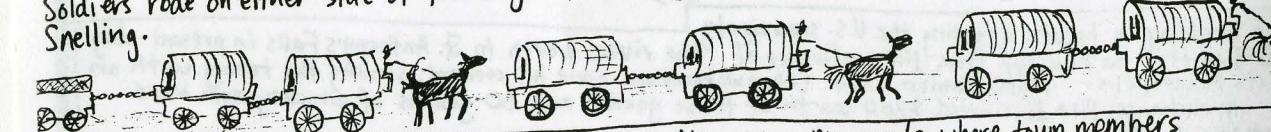


Trader Andrew Myrick ("let them eat grass") would soon be dead on the ground, his mouth stuffed full of grass.

By fall, 600 white settlers and uncounted Dakota were killed. As the war ended, Henry Sibley drove the surviving Dakota westward onto barren plains in South Dakota. Some Dakota fled to Canada, and others became "friendly" to the whites and were allowed to stay.

With almost all of the Minnesota Dakota Nation in exile, only a few ancestors of the present-day Mendota Mdewakanton Dakota remained in Minnesota, most as farmers.

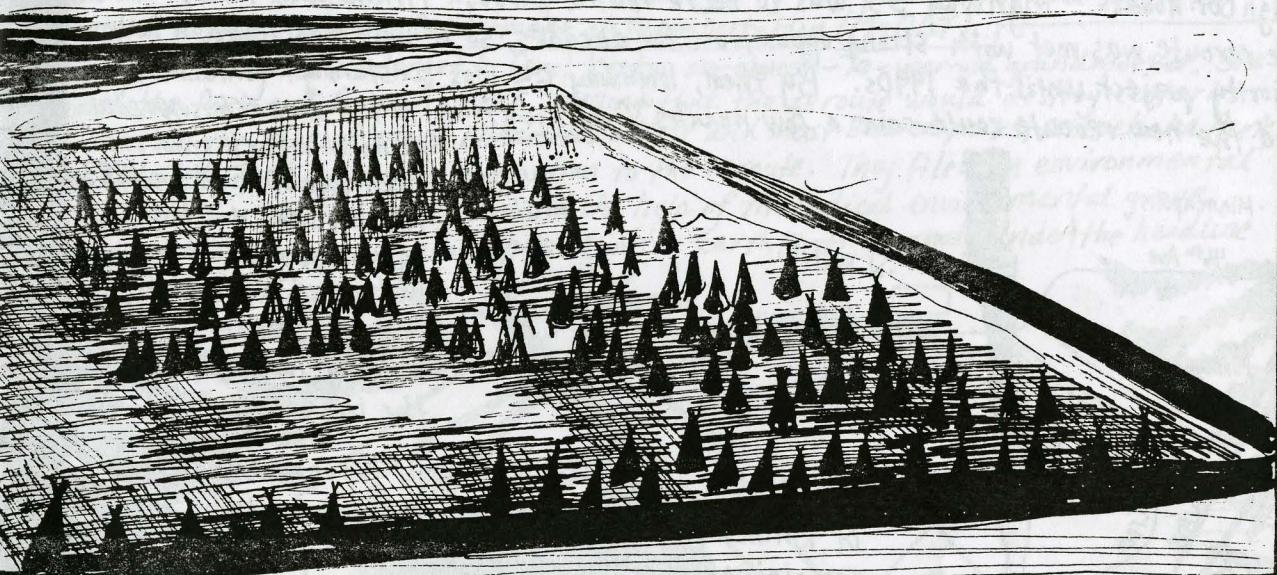
In November of 1862, a wagon train stretching for four miles crossed the Minnesota River Valley. Soldiers rode on either side of the wagons, escorting Dakota people on a forced journey to Fort Snelling.



Along the route, the wagon train passed through New Ulm, Minnesota where town members attacked the wagons and the Dakota inside. The soldiers did not protect the bound and shackled Dakota from being attacked by mobs with axes, poles and pitchforks.



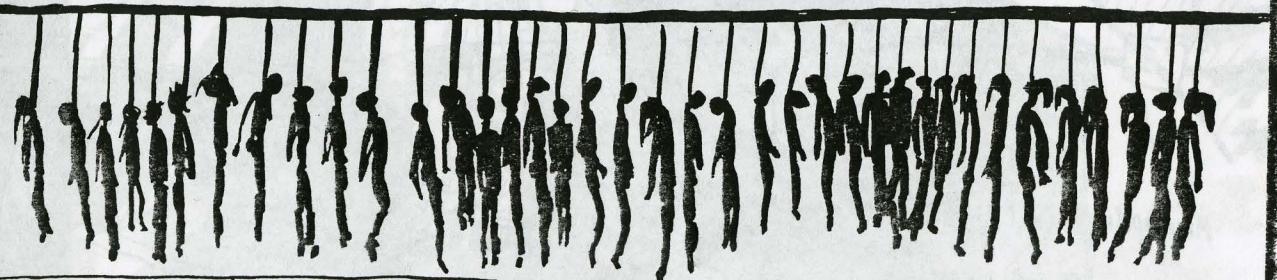
By December 1862, the forced march had come to an end. Encircled by a tall fence, the river flats below Fort Snelling were transformed into an internment camp.



Measles broke out in the camp. Up to 20-50 Dakota were dying per day.

In December 1862, after "trials" 38 Dakota were hung on a single scaffold in Mankato, Minnesota. It was the largest mass execution in U.S. history.

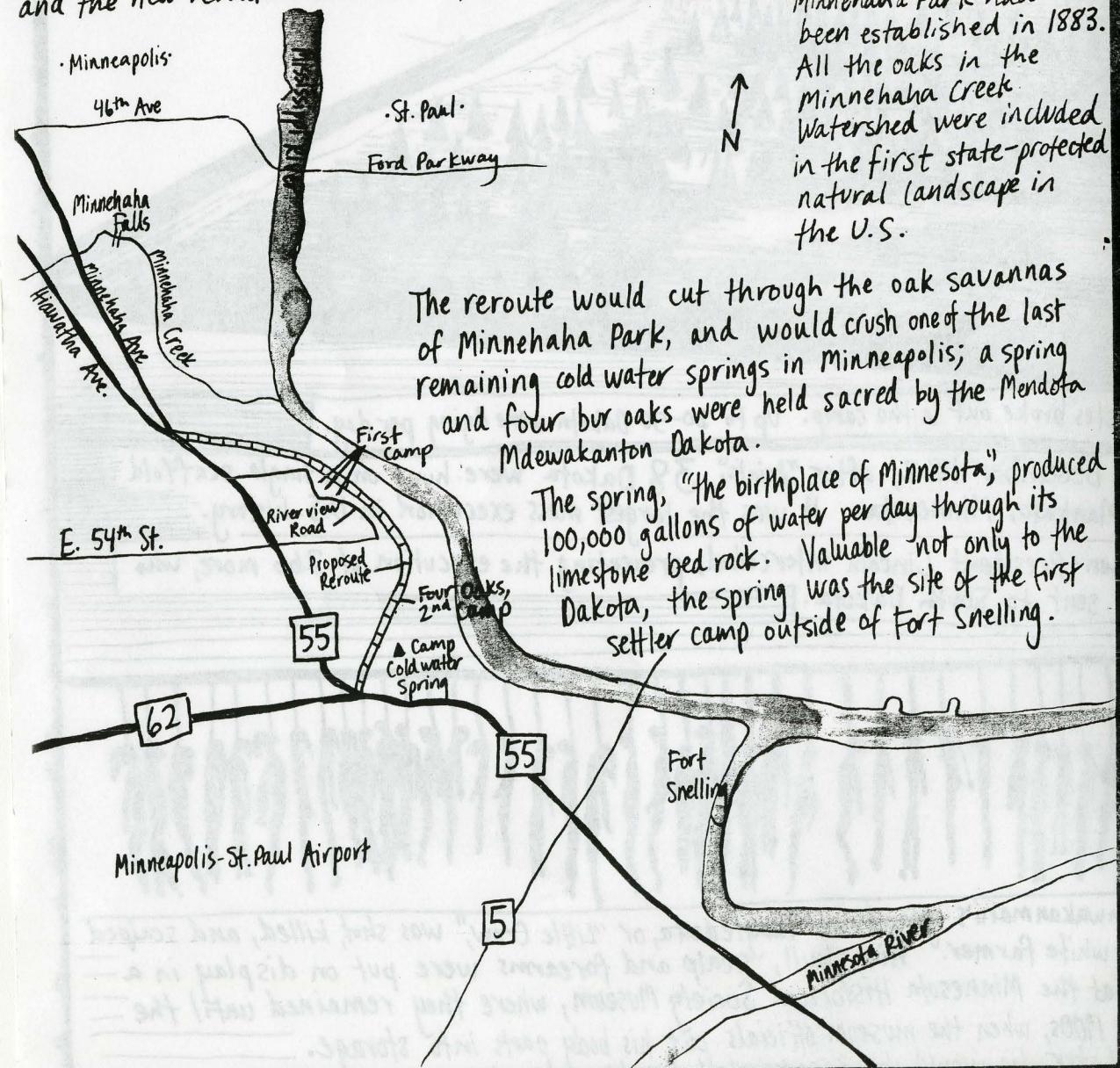
Then-President Lincoln interceded, preventing the execution of 266 more, who were sent to South Dakota.



Cetanwakanmani's grandson, Taoyateduta, or "Little Crow," was shot, killed, and scalped by a white farmer. His skull, scalp and forearms were put on display in a case at the Minnesota Historical Society Museum, where they remained until the early 1900s, when the museum officials put his body parts into storage. Later he would be repatriated by descendants.

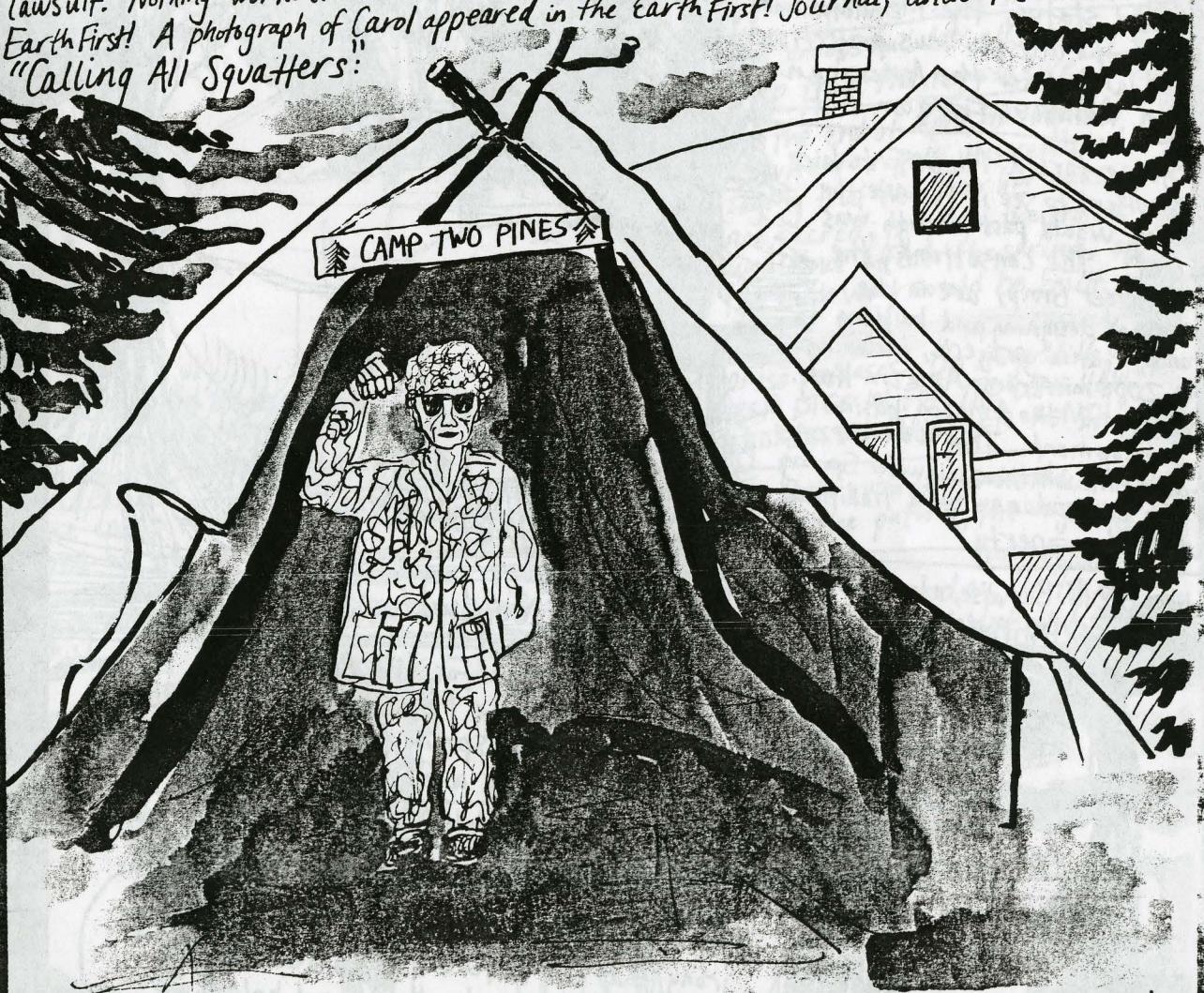
A metropolitan center grew around Pike's treaty area. By the 1950s, highways were built, cutting through neighborhoods, spreading urban decay, and dividing the neighborhoods. Highway 55 was to be re-routed through Minnehaha Park, but the reroute was met with strong opposition for decades, so it was considered a low-priority project until the 1990s. By then, Highway 55 was constantly bottlenecked, and the new reroute could save a few minutes from downtown to the airport, supposedly.

Minnehaha Park had been established in 1883. All the oaks in the Minnehaha Creek Watershed were included in the first state-protected natural landscape in the U.S.



Though residents had fought it in the courts and legislature, the construction of the reroute began in the late 1990s. Several homes in the path of the highway were purchased by and slated for demolition by the Minnesota Department of Transportation (MnDOT).

The only remaining house belonged to Carol Kratz, an almost-70-year-old grandmother. She formed the Park and River Alliance, arguing that the reroute would destroy centuries-old oaks on the edge of one of Minnesota's oldest and most beloved parks, Minnehaha Park. They collected 7,000 signatures in opposition to the reroute. They filed an environmental lawsuit. Nothing worked. Carol enlisted the help of the radical environmental group, EarthFirst! A photograph of Carol appeared in the EarthFirst! Journal, under the headline "Calling All Squatters!"



That spring, EarthFirst!ers arrived, taking turns sleeping in tents and doing security. They knew MnDOT planned to raid the six empty houses near Carol's that summer.

By August 10, 1998, a multi-tactic popular campaign ensued, carried out by a broad-based, cross-cultural coalition. Neighborhood groups like the Park and River Alliance were joined by Earth First! and other environmentalists; the Mendota Mdewakanton Dakota, several other regional tribal members and members of the Minneapolis chapter of the American Indian Movement (AIM) joined in formal opposition to the reroute.

Absent formal federal recognition of tribal status, the Mendota had none of the access to laws protecting sacred lands under the American Indian Religious Freedom Act.

A judge forced Mn DOT to hire a consultant to see if the site the highway would pass through was "sacred". The consultants, the Louis Berger Group, are in the business of designing and building transportation projects, including the 2,000 mi-Trans-Amazon Hwy. that opened the Amazon basin to development. They were the ones to determine whether coldwater Spring or the oak savanna were "traditional cultural property."

Eddie Benton Banaise, along with many other elders, testified before the State.

He said:  
"The Dakota, the Sac, the Fox, the Potawatomi, the Meswaki and the Mdewakanton have all used the coldwater spring for centuries and mutually agree it is a neutral, sacred place."

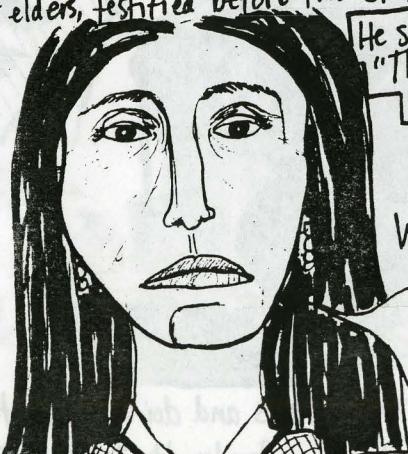
Winona LaDuke, Ralph Nader's running mate, testified as well:

Sacred sites are easily obliterated by concrete. They cannot be recovered... it is a strange irony that one culture gets to decide for another what they do and do not hold sacred.

The highway officials and state consultants asked no questions.



Coldwater Spring



MNDOT is an unusually powerful state agency. MnDOT officials pressed their agendas to legislators, with many "sweetheart" exchanges. Understandably frustrated, Bob Greenberg, one of the activists, "pied" Carol Flynn, the chair of the Minnesota Senate Transportation committee after she refused to hear a bill relating to the reroute in her committee.

This action symbolized the diversity of approaches taken by activists.

The Mendota Mdewakanton Dakota apologized on behalf of Bob to the legislature, but they were deaf.

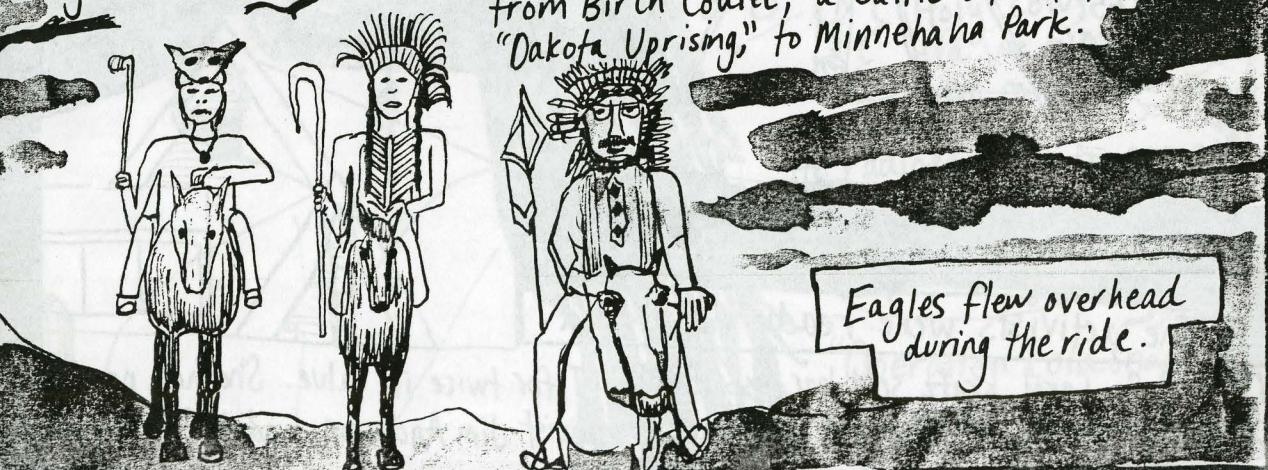
The groups had lost all hope of help from the legislature.

At the end of April, the MnDOT consultant's report was released, saying that the four bur oaks were not sacred; they said the project would not affect the spring, so the highway could be built.

From his south Minneapolis apartment, Greenberg faxed press releases. On August 16: "OCCUPATION: MINNEHAHA FREE STATE DAY 7. EARTH FIRST! DIGS IN FOR THE LONG HAUL." On Sept. 9: "MINNEHAHA LIBERATED ZONE HOLDS OFF BULLDOZERS FOR ANOTHER MONTH."

The camp now consisted of Carol Kratz's home, the tents outside her home, as well as occupations of the other surrounding houses in the path of the highway.

Cheyenne River elder Arvol Looking Horse organized a four-day Unity Ride from Birch Coulee, a battle site of the "Dakota Uprising," to Minnehaha Park.



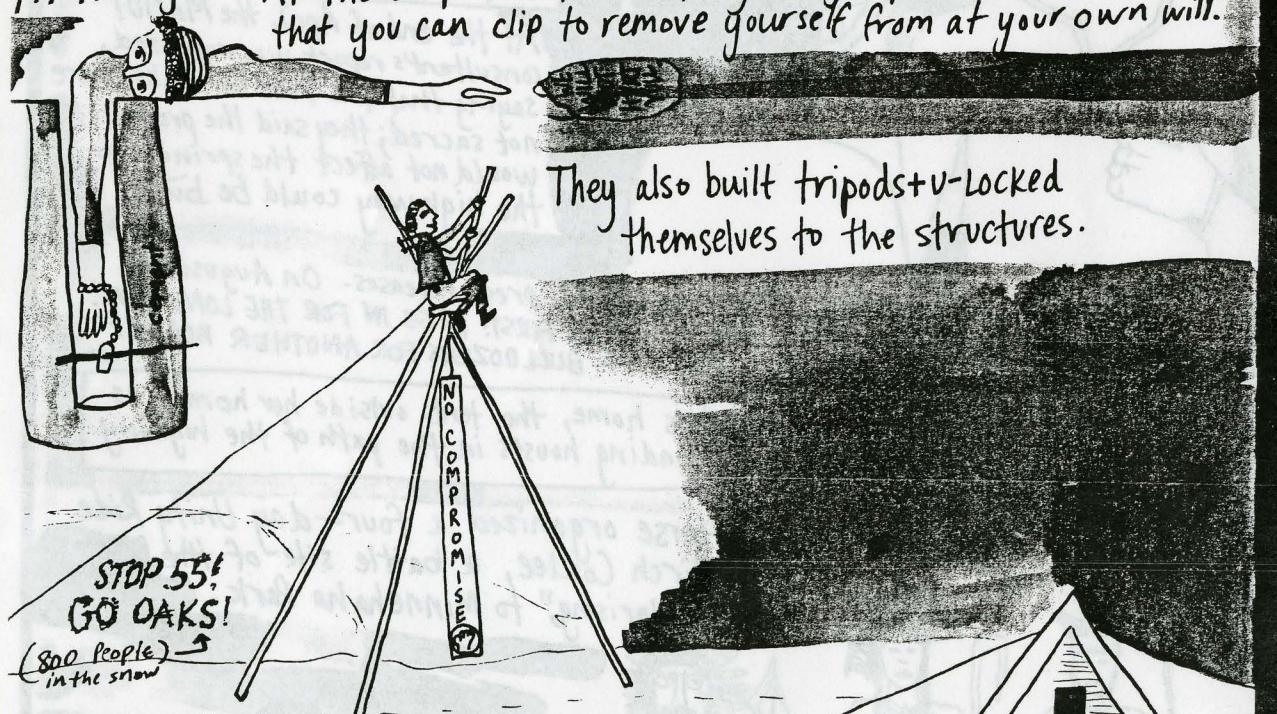
Eagles flew overhead during the ride.

At the same time, activists in the camp had begun making preparations in case of a raid.



They built "lock down sites" to chain themselves to the houses when police came. In the yards and houses, they built "dragons," one of the most effective tactics of non-violent resistance.

To build a dragon, you dig a hole about the size of a garbage can, then place a piece of plastic pipe down the center, just big enough for an arm to fit through. At the deep end of the pipe, you lay a piece of steel rod that you can clip to remove yourself from at your own will.



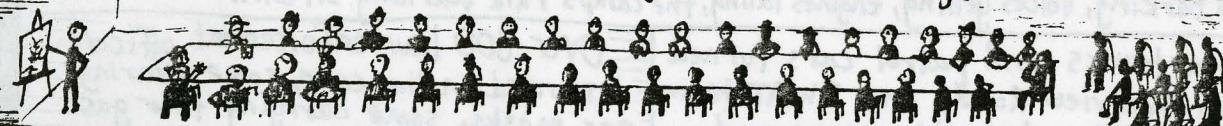
They also built tripod+V-locked themselves to the structures.



The activists were ready for a raid.

On Dec. 9, Carol Kratz sold her house to MnDOT for twice its value. She had no choice at that point. She gave a set of keys to activist Jim Anderson, and left.

On December 18, the Governor's mansion looked empty, but in the basement, it was packed with people "getting a briefing" on the Highway 55 situation. The group included outgoing Governor Arne Carlson, Minneapolis Mayor Sharon Sayles Belton, Hennepin County Commissioner Peter McLaughlin, MnDOT officials, officers from the State Patrol, state legislators whose districts encompassed Riverview Road, police, fire and sheriff's departments, as well as former pro wrestler Jesse Ventura, who had just shocked the nation by becoming Minnesota's governor-elect.



Tactical specialists from the State Patrol and the Minneapolis Police stood before a poster of an aerial view of Riverview Road, explaining the plan of attack and the perimeter that would need to be secured. They were taking every precaution: infiltrators and undercover agents reported a slew of allegations: the houses were locked and only the activists had keys and access. Officers suspected that there were explosives, weapons or chemicals in the locked houses. Rumors of jury-rigged gas lines and booby traps were reported.

Days before, a gas line had exploded in St. Cloud, MN, killing four people. Governor Carlson worried aloud that "a second Waco" this time in Minneapolis, would forever tarnish his legacy. He was in the middle of the meeting room and he said, "I want to hear it if you support this!" The vote was unanimous. The governor gave his approval for the largest police action in Minnesota history.

Jim Anderson had been patrolling the streets around the camp for days, watching for signs of a raid...

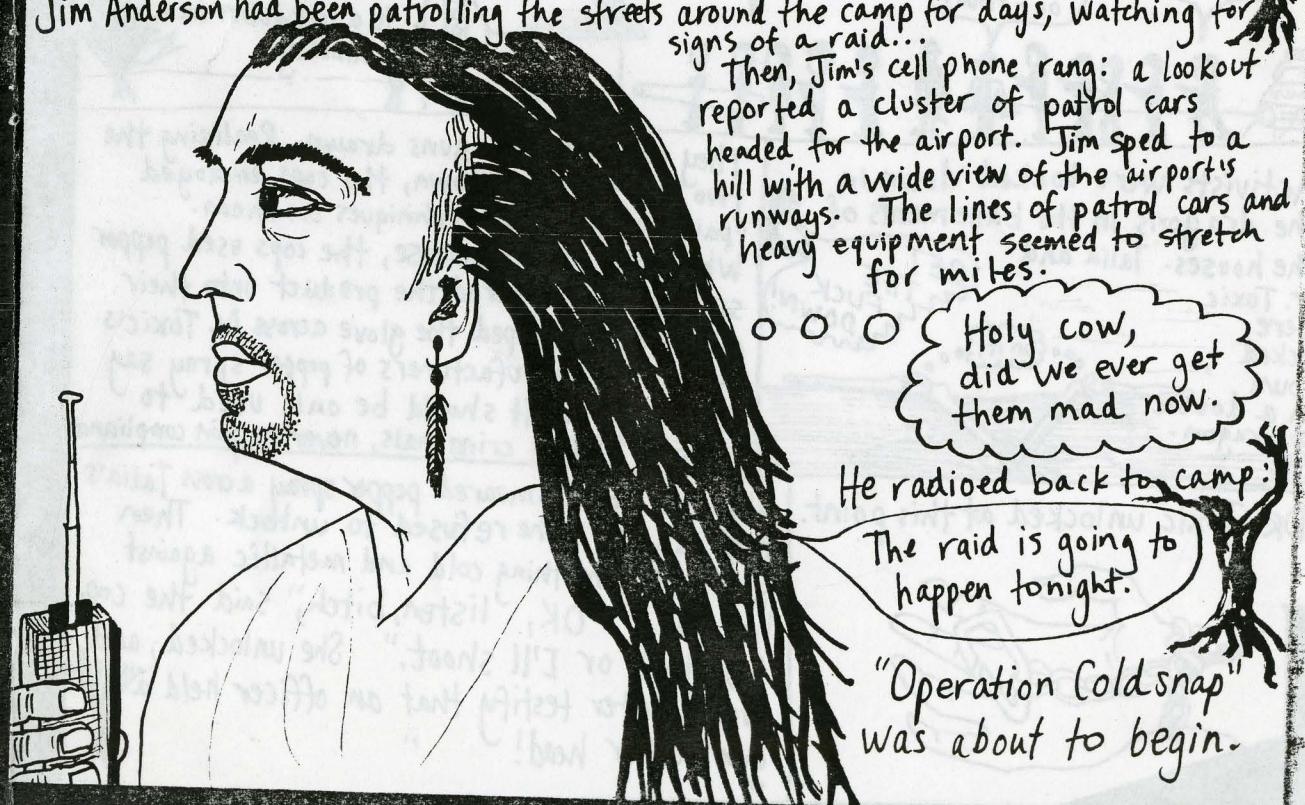
Then, Jim's cell phone rang: a lookout reported a cluster of patrol cars headed for the airport. Jim sped to a hill with a wide view of the airport's runways. The lines of patrol cars and heavy equipment seemed to stretch for miles.

○ ○ ○  
Holy cow,  
did we ever get  
them mad now.

He radioed back to camp:

The raid is going to happen tonight.

"Operation Coldsnap"  
was about to begin.



As the first snow fall of the season began, helicopters circled overhead, their thumping blades a steady beat above all the other sounds:

Ryder trucks and patrol cars turned onto Riverview Road, and SWAT teams armed with submachine guns and semi-automatic pistols poured out of the trucks.

We got our guns drawn, so you better have your hands up!



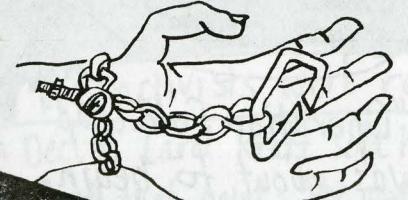
GET DOWN ON THE GROUND!

You better come out now!

You better not have any Weapons!

Activists were locked down in the dragons in the basements of the houses. Talia and Dr. Toxic were locked down in a double dragon.

DR. Toxic unlocked at this point.



They entered with guns drawn. Realizing the two were locked down, the cops employed "pain compliance" techniques on them. When they didn't release, the cops used pepper spray: they smeared the product onto their gloves, then wiped the glove across Dr. Toxic's face. The manufacturers of pepper spray say explicitly that it should be only used to restrain violent criminals, never as pain compliance.

Then the police smeared pepper spray across Talia's face as well. She refused to unlock. Then she felt something cold and metallic against her jaw. "OK, listen, bitch," said the cop, "Unlock or I'll shoot." She unlocked, and would later testify that an officer held a gun to her head!

battering rams, the hiss of pepper gas, the camp's raid warning siren...

Over 800 law enforcement officers descended on the camp, some wearing gas masks, some carrying tear gas canisters, some touting laser-scope assault weapons. Sniper units were visible.

Within minutes, the camp was sealed off.  
POLICE LINE... DO NOT CROSS... POLICE LINE... DO  
The press was barred from the entire raid.



The teams of cops found no explosives, no weapons, no rigged gas lines, no booby traps. Cops demanded that the activists tell them about the rumored weapons + traps:

We've been non-violent the entire time!

Protesters in other houses were greeted with laser-sight rifles. Though not officially declared, martial law had been implemented.

37 activists were arrested and denied medical attention. The raid cost the State \$380,000. Many of the activists' charges were dropped due to police misconduct.

In the yards, officers lit bonfires, fueled by the destroyed sweat lodge, tipis and tents. The ceremonial fire that the activists had been tending for four months was doused.

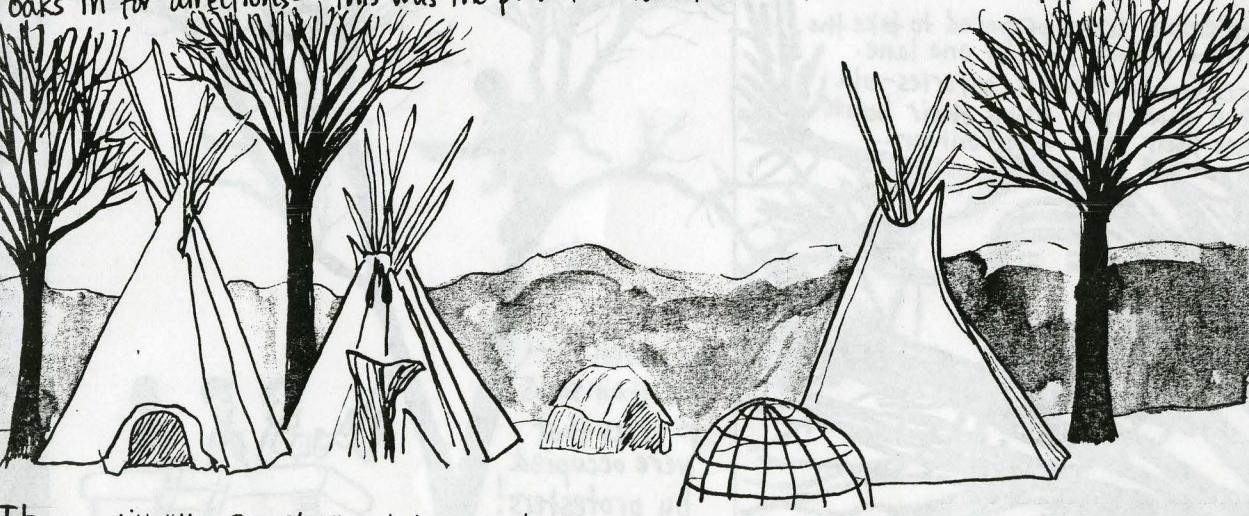
Drums, pipes and other cultural items were destroyed as well.



Gov. Carlson warmed his hands in the blazing bonfire.

But Operation Coldsnap was just the beginning of the struggle.

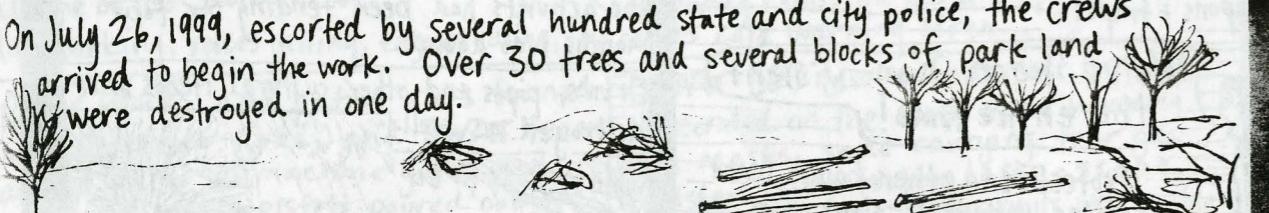
Protesters returned and established a new camp in the path of the highway, near four oaks in for directions—this was the place the Mendota Mdewakanton wanted to protect.



It was still "the Free State," and it was also Four Oaks Spiritual Encampment. Some were there the entire 18 months, through sun and snow. The unlikely alliances fueled a community that was almost self-sufficient while setting up protective measures for the surrounding communities of trees, like treesits connected by traverse lines.

In the spring, the Park Board gave its blessing for continued construction: Mn DOT had assured the Park Board that only two or three trees would be affected.

On July 26, 1999, escorted by several hundred state and city police, the crews arrived to begin the work. Over 30 trees and several blocks of park land were destroyed in one day.



The work continued for two weeks: hundreds of trees were destroyed, and over 100 arrests were made, most involving injury to protesters.

Most of the northern 1/3 of Minnehaha Park had been substantially deforested.

By September crews prepared to take the existing highway down to one lane. Six activists climbed a centuries-old cotton wood tree, using their bodies since their voices went unheard.



Over the next ten days, they were engaged in a bit of a standoff.

They even took chainsaws to trees that were occupied by protesters! The cat-and-mouse continued for months.

It truly was an incredible loss of public green space. Federal money is not supposed to go toward road-building in public parks, according to a Clinton-era law, but Mn DOT argued that since the planning for Highway 55 began before this law passed, it was inapplicable.

I came to the Free State at age 18, and was overwhelmed by a sense of welcome.

This spirit was especially important to me, and I found that it was part of the glue that held the Free State together.

The first day that I came out to the Free State, I sat in on one of the daily circles: ideas were shared, updates were given, tactics discussed, and I was so impressed by the organized, articulate, effective, respectful and meaningful communication that was taking place in front of me.

These circles existed in similar forms over the following years in Minneapolis. Circles were called to address issues within an extended Minneapolis community.

I believe the idea of witnessing transformed that community and it was applied for years into the future.

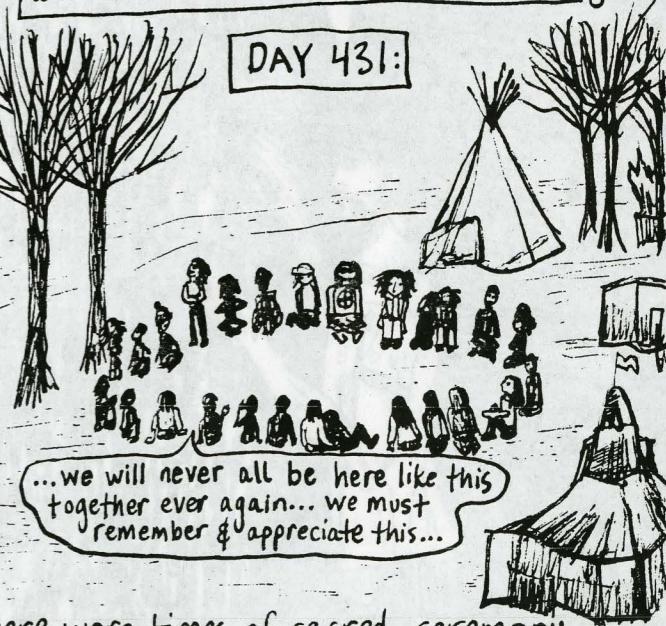
There were times of deep ecology. There were times of sacred ceremony. There was intergenerational, intercultural, mutually beneficial learning and teaching.

It was super serious and hilarious at the same time. The Star Lodge was an ingenious architectural gem. I will always remember the view from the top "suite."

The forestry climbing knowledge was so quickly developed and shared freely.

Knowing full well of the totality of the human impact on the earth, as well as being aware of the prophecies from all over that implore our immediacy & cooperation as humans of all nations, the Free State was to me an appropriate and reasonable activation of destiny.

DAY 431:



The food from Coldwater Café was some of the best I've had in my life. If you have never had onions in your fruit salad, you know nothing.

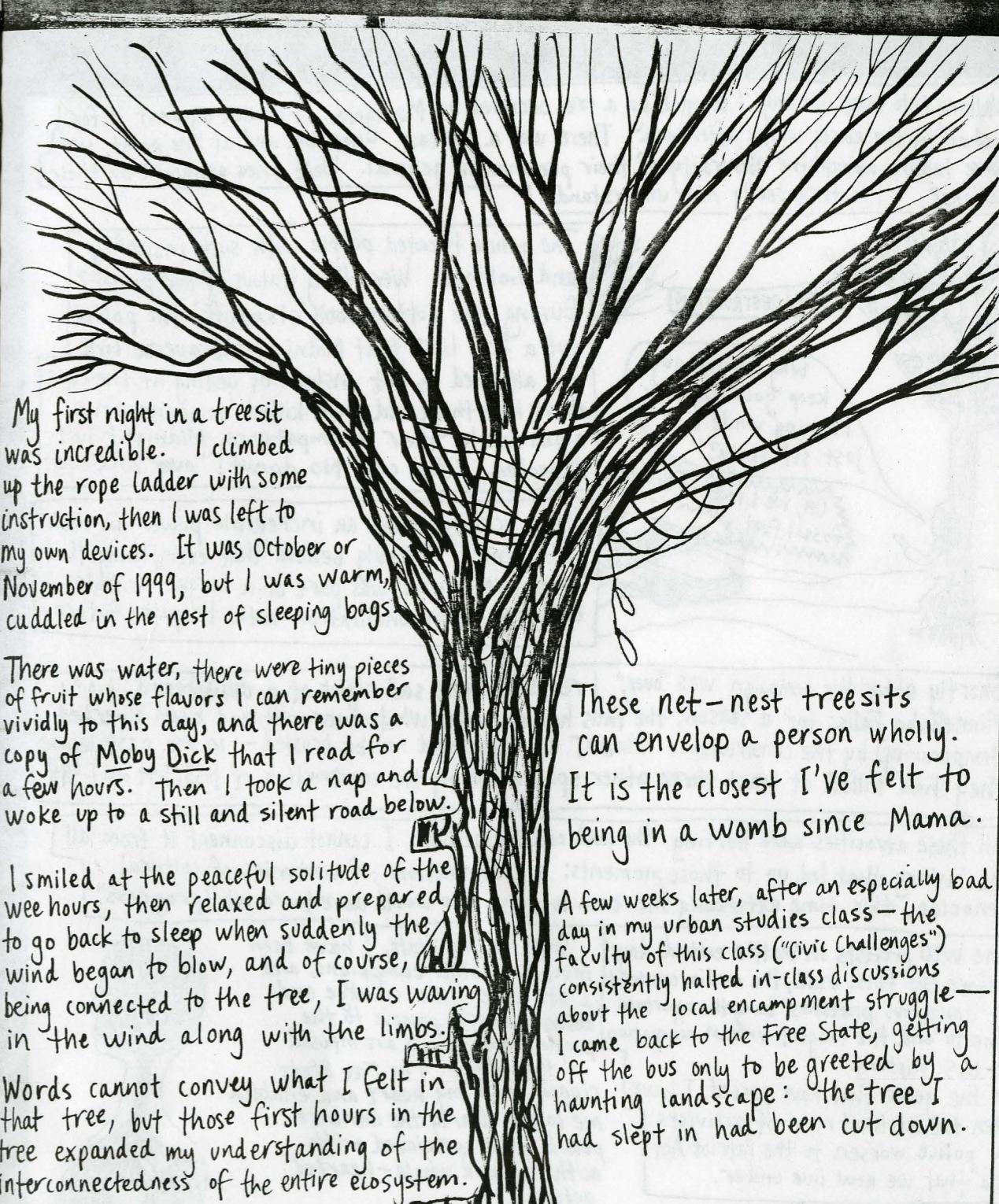
There was this one time that Sisters Camelot gave us a lot of hot peppers and Caleb made this stir fry entirely of hot peppers. It hurt to eat it, but it sure kept me warm that November evening.



If you were to ask Caleb what he was doing, he would remain silent for a moment, then he would grin.

Yarn gums up chainsaw blades. A deterrent, an obstacle. I get to connect with the trees in the path of the highway.

... and in the distance...



My first night in a treesit was incredible. I climbed up the rope ladder with some instruction, then I was left to my own devices. It was October or November of 1999, but I was warm, cuddled in the nest of sleeping bags.

There was water, there were tiny pieces of fruit whose flavors I can remember vividly to this day, and there was a copy of Moby Dick that I read for a few hours. Then I took a nap and woke up to a still and silent road below.

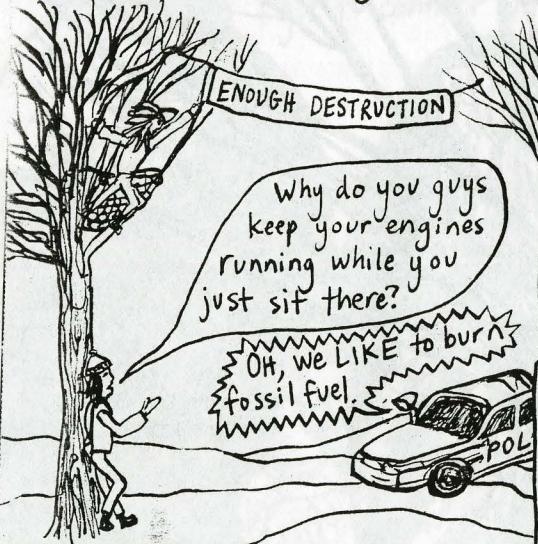
I smiled at the peaceful solitude of the wee hours, then relaxed and prepared to go back to sleep when suddenly the wind began to blow, and of course, being connected to the tree, I was waving in the wind along with the limbs.

Words cannot convey what I felt in that tree, but those first hours in the tree expanded my understanding of the interconnectedness of the entire ecosystem.

These net-nest treesits can envelop a person wholly. It is the closest I've felt to being in a womb since Mama.

A few weeks later, after an especially bad day in my urban studies class—the faculty of this class ("Civic Challenges") consistently halted in-class discussions about the local encampment struggle—I came back to the Free State, getting off the bus only to be greeted by a haunting landscape: the tree I had slept in had been cut down.

Walking into camp one day, I stopped by a tree occupied by Marigold. I leaned against it for a chat in the early winter afternoon. There was a cop car nearby, and at one point, we were talking about the absurdity of their presence in general. Were they ashamed by their actions? Did they really not understand?



Why do you guys keep your engines running while you just sit there?

OH, we LIKE to burn fossil fuel.

The police treated people with such insanity and violence. Were they jealous of our power? During the cottonwood "standoff," the police cut a tree limb that Midnight's traverse line was attached to, but instead of yelling at the cops about how they could have killed someone once again due to their incompetence, Midnight just repeated, "Bad cop! No donut!" over and over.

These activists had an incredible power in their peacefulness. I truly believe that everything that transpired there was part of a larger invisible ceremony of reconciliation with the past + future.

Shortly after the campaign was "over," I remember the sad sight of a dewatered Minnehaha Falls: for a season, the falls had no water whatsoever—it had been diverted (temporarily) by the construction. MnDOT the liars could not be trusted—in the past decades, they had killed at least three other springs during the construction of I-35, I-94 and I-394.

All these atrocities were hurting the land and the people. I cannot disconnect it from all the history that led up to those moments: a continuation of centuries of cultural genocide, this time extending the reach to those who would dare to resist "progress."

The WTO protests in Seattle ended days before the final raid, the media construct of "dangerous protestors" being the opportune time to end the longest urban occupation in U.S. history.

In the years that have passed, I have seen the mistreatment of activists by police worsen, to the Patriot Act era that we now live under.

Since the Free State, I have been involved in other campaigns, and I attribute the courage and determination I possess to the people whose spirits are infused in this story. The Free State ripped open my heart and enabled me to see clearly the immense possibilities associated with authentic and whole-hearted action.



I was near Minnehaha Falls on the final day of the encampment. On December 11, 1999 the sun seemed to not want to rise. Katie and I were nestled in roots of a tree exposed by the sandstone's erosion, cradled in the earth.

Where is the dawn...?

That was the morning of the final raid of the Four Oaks Spiritual Encampment + Free State. All occupants could leave then or be arrested: a final circle was held around the four oaks. Those arrested were forced to sign affidavits promising to not re-occupy the site.

All the trees were cut that day.

To most outsiders, the protest seemed to be a baffling phenomenon, but over the next seven years, I've seen it again,

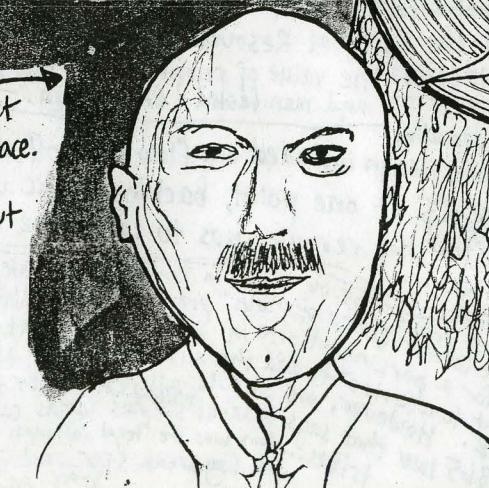


Whether it was another attempt at cultural genocide or just lousy public policy, it is clear that the State's highway goals trumped indigenous sovereignty...

The State gave us the run around in the courts, in the legislature, and in the executive branch with Jesse Ventura's philosophical waxing in the end.

What is sacred? ....We can't just declare every place sacred.

What a predictable yet terrible slap in the face. The road wouldn't be built immediately, but the grove was to prevent another re-occupation... to break spirits.



Full moon ceremonies to Coldwater Spring continued for years into the future.

In 2001, Senator Julie Sabo sponsored a unanimously-approved bill that Ventura signed into law in 2001.

The bill prohibited any state or state agency action that may "diminish the flow of water to or from Camp Coldwater Spring."

In Feb. 2002, the Minnehaha Creek Watershed District (MCWD) performed a dye test that showed a direct 30% decrease in the flow rate to Coldwater Spring due to MnDOT reroute construction. MnDOT, having completed half of the \$16 million project, furiously lobbied the state legislature to repeal the new law. The MCWD sued MnDOT to stop work.

Construction stopped for a year while the final phase was redesigned to protect the spring. New rules were established that set a new precedent: MnDOT would be under approval authority of the MCWD, which in turn, must answer to the public.

In Sept. 2002, a new design was approved that raised the road; where the road would go beneath the water table, it would be lined with layers that equalize water pressure. The new design also avoided limestone bedrock, which coldwater Spring depends upon.

Many people had said early on that we would not stop the reroute and we would not save the four oaks, but that our activism would preserve the Coldwater Spring. It was saved.

Back in 2001, the Iowa Tribe of Nebraska, a federally-recognized tribe, designated Camp Coldwater Spring as an official historical site, as the Iowa Nation was just one of the many regional tribes who have used Coldwater Spring as a gathering space.

One of the major strengths throughout the occupation was the intertribal unity on the significance of the site. Though the Mendota were not federally recognized, the support of various organizations and people, their concerns were given a certain weight not unrecognized tribes usually do not receive.

Federal recognition is an incredibly bureaucratic process for tribes that still lack recognition. This process will probably not become any simpler in the coming years, so there needs to be a forum or a set of guidelines constructed that would allow unrecognized tribes to gain legal protection for their sacred sites independent of their federal recognition status. Additionally, Dr. Bruce M. White found that MnDOT contractors L B & A had not only dismissed relevant oral testimony, but had also falsified the Cultural Resource Assessment documents by withholding archeological and historical evidence: the value of recognition—or the lack of it—reflected and manifested once again.

In the end, a light rail was constructed parallel to the rerouted highway 55. The light rail's design included one flaw that officials said could not be fixed: the light rail crosses Hwy. 55 at one point, backing traffic up to a significant degree. One of MnDOT's main reasons for the reroute was to save time when driving on the airport. Now it often takes longer, I hear.

And the struggle continues to this day. According to Susu's 7.05.06 article in The Pulse, the fate of Coldwater Spring is once again in question. It is currently "the former Bureau of Mines" property under National Park Service control; the NPS almost sold it to the airport for a parking lot site in 2001. The Shakopee and Prairie Island tribes have said that they want to acquire it, and there is talk of the NPS turning the Spring into an office park. However, we should all remember that there is an 1865 law that says federal surplus lands can be claimed by tribes...this was the legal rationale for Alcatraz and Daybreak Star...and for Coldwater? STAY ALERT!