

SETTLER COLONIZERS' SENSE OF HISTORY ON THE NORTHERN PLAINS  
BEFORE AND AFTER THE TURN OF THE NINETEENTH CENTURY

A Dissertation  
Submitted to the Graduate Faculty  
of the  
North Dakota State University  
of Agriculture and Applied Science

By

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In Partial Fulfillment of the Requirements  
for the Degree of  
DOCTOR OF PHILOSOPHY

Major Department:  
History, Philosophy and Religious Studies

April 2022

Fargo, North Dakota

North Dakota State University  
Graduate School

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**Title**

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**DOCTOR OF PHILOSOPHY**

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## ABSTRACT

This dissertation argues that it is time to push the understanding of the US Oceti Sakowin wars in different directions, particularly in the direction that stops obsessing and constantly revisiting the officer and soldier accounts. More particularly, it is argued, it is time to push in the direction that looks at how and why settler colonizers – scholars, artists, historians, poets – before and after the turn of the nineteenth century contemplated and argued over various ways to interpret the 1854-1891 US Oceti Sakowin wars. Through this, they infused a sense of history into the landscape of the northern plains. The dialog they established created a foundation for how and why the US Oceti Sakowin wars is remembered today in the second decade of the twenty first century.

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## CHAPTER 1: INTRODUCTION: ORGANIZING THE HISTORICAL NARRATIVES

For over 150 years, military scholars have scrutinized primary sources of the wars between the United States and the Oceti Sakowin, or what in the nineteenth century was called “The Great Sioux Nation.” These studies pushed military history in new directions, but public historical treatments have been lacking. This dissertation responds to this by tracking the sociology of knowledge of settler colonists who sought different ways to remember what happened before and after the turn of the nineteenth century.<sup>1</sup>

The sociology of knowledge, also known as collective memory, is driven by socio-politics: powerbrokers of nation-states create and implement policies, and these policies create events. The resulting events are then remembered, officially, by the nation-state. Citizens – or the sociology – of that nation-state also remember those events in various ways. On the northern plains, settler-colonizers recounted and remembered events of the US Oceti Sakowin wars that resulted from such policies. The settler-colonizers did this to give meaning to the place they inhabited, and to make that place – real or perceptible – their own.<sup>2</sup>

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<sup>1</sup> The phrase “Oceti Sakowin,” meaning the Seven Council Fires of peoples based on kinship, location and dialect, is the traditional name used throughout this dissertation in place of the 19<sup>th</sup> century Anglo-American name, “The Great Sioux Nation.” While Robert Utley still used the phrase “Sioux Indians” as recently in *The Commanders: Civil War Generals Who Shaped the American West* (Norman, Oklahoma: University of Oklahoma Press, 2018), the indigenous self-descriptor, through time, has been Oceti Sakowin. This falls in line with historians such as Pekka Hämäläinen and Nick Estes, among others. See Pekka Hämäläinen, *Lakota America: A New History of Indigenous Power* (New Haven: Yale University Press, 2019) and Nick Estes, *Our History is the Future: Standing Rock versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance* (Brooklyn, New York: Verso, 2019).

<sup>2</sup> The “sociology of knowledge” is a translated phrase from Maurice Halbwachs, who believed, as Lewis A. Coser said, “the past was mainly known through symbol and ritualism as well as historiography and biography.” Lewis A. Coser, editor, *Maurice Halbwachs: On Collective Memory* (Chicago: University of Chicago Press, 1992), 2-3; Jeffrey Andrew Barash, *Collective Memory & the Historical Past* (Chicago: The University of Chicago Press, 2016); Thomas S. Kuhn, *The Structure of Scientific Revolutions* (3<sup>rd</sup> edition, Chicago: University of Chicago Press, 1996).

One modern scholar of collective memory has noted how the “twentieth century witnessed a wide-spread questioning of all-encompassing spiritual or natural principles in their capacity to account for human historical development as an overall process.” Those doing the questioning were challenging the accepted notion of a long, continuous, linear, and accepted march of history. Present voices questioned the accepted past created and advanced by the nation-state powerbrokers. By verbalizing this marginalized history, it meant those who were verbalizing it were made relevant and real. Jefferey Barash notes that the creation of “memory engenders the possibility of bringing together past and present in view of the future.”<sup>3</sup> Put another way, and applicable to this dissertation, settler colonists created community with the local landscape by remembering and creating their own memories through a dialog with history. This dissertation adds to the larger theoretical frameworks of collective memory, and spatially and temporally situates it in a case study on the northern plains of North America, before and after the turn of the twentieth century.

This dissertation builds on the work that numerous scholars have already made in reconsidering the interpretation of sights of memory throughout the American West. In the case of the Bear River Massacre in southern Idaho, Kass Fleisher has brought enhanced attention to how the Union Army on January 29, 1863, slaughtered approximately 280 Shoshoni men and children, and killed and raped the Shoshoni women. John Barnes also scrutinizes and critiques the narratives embedded in the public historical plaques at the Bear River Massacre site. Plaque designers dealt with the Bear River atrocities and outrages by enshrining “their beliefs that the Shoshone deaths were justified and necessary,” the atrocities rationalized to make way for Euro-American civilization.<sup>4</sup>

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<sup>3</sup> Barash, *Collective Memory & the Historical Past* (2016), 3 & 39.

<sup>4</sup> Kass Fleisher, *The Bear River Massacre and the Making of History* (Albany, New York: State University of New York Press, 2004), xi-xii; John Barnes, “The Struggle to Control the Past: Commemoration,

In Colorado, Jerome Greene and Douglas Scott analyze the Sand Creek site with anthropological, archaeological, and historical models. Jerome Greene also focuses a study on the years when the Northern Cheyenne pushed back on Anglo-America in Oklahoma and Nebraska in 1878-1879. Ari Kelman views Sand Creek and other Native massacres during the Civil War as a part of “the Civil War and the Indian Wars, a bloody link between interrelated chapters of the nation’s history.” In a similar vein, Kim Allen Scott and Ken Kempcke note how the Union “brought the sword not to Southern slaveholders but to aboriginal peoples whose alleged offense against the Union had nothing to do with secession.” Gary Clayton Anderson’s monographs track how Anglo-Americans launched ethnic cleansing of Native America in Texas from 1820-1875, and in the Minnesota River Valley in 1862. Jeffrey Ostler takes a longer view of attempted ethnic cleansing, following Native nations and the United States from the American Revolution to the American Civil War. R. Eli Paul’s ethnohistory of the history of the “First Sioux War” from 1854-1856 at Blue Water Creek shows how the US Army first engaged in Total War against the indigenes on the Great Plains in the antebellum American West.<sup>5</sup>

Sites of conflict, genocide, and remembrance are increasingly being reconsidered and revised throughout the American West. It is not as though this is “revisionist” history, though. Debra

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Memory, and the Bear River Massacre of 1863,” *The Public Historian*, 30, no. 1 (February 2008): 86-87.

<sup>5</sup> Jerome A. Greene and Douglas D. Scott, *Finding Sand Creek: History, Archeology, and the 1864 Massacre Site* (Norman: University of Oklahoma Press, 2004); Jerome A. Greene, *January Moon: The Northern Cheyenne Breakout from Fort Robinson, 1878-1879* (Norman: University of Oklahoma Press, 2020); Ari Kelman, *A Misplaced Massacre: Struggling Over the Memory of Sand Creek* (Harvard University Press, 2013), xi; Kim Allen Scott and Ken Kempcke, “A Journey to the Heart of Darkness: John W. Wright and the War Against the Sioux, 1863-1865,” *Montana: The Magazine of Western History* 50, no. 4 (Winter 2000): 3; R. Eli Paul, *Blue Water Creek and the First Sioux War, 1854-1856* (Norman: University of Oklahoma Press, 2004). Gary Clayton Anderson, *The Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820-1875* (Norman: University of Oklahoma Press, 2005) and *Massacre in Minnesota: The Dakota War of 1862, the Most Violent Ethnic Conflict in American History* (Norman: University of Oklahoma Press, 2019). Jeffrey Ostler, *Surviving Genocide: Native Nations and the United States from the American Revolution to Bleeding Kansas* (New Haven: Yale University Press, 2019).



Buchholtz has said that the public memory of the Battle of Greasy Grass/Little Bighorn, which happened thirteen years after Whitestone Hill, is just as multivocal then as it is now. In *Surviving Wounded Knee: The Lakotas and the Politics of Memory*, David W. Grua tracks how Wounded Knee was remembered by United States Generals and the Lakota who bore the brunt of it in the decades after the massacre took place.<sup>6</sup>

One of the disconnects between the first-hand descriptions of engagements and later remembrance has to do with the post-Civil War Euro-American settlement of the American West. After the Civil War, thousands of veterans spilled onto the Great Plains, and they brought their memories with them. Subsequent waves of European immigrants followed, and by the turn of the nineteenth century, political leaders intensified authorship of a progressive and nationalistic history to conceive of America as one cohesive nation. In the words of Stuart McConnell, remembering the Civil War imposed “a cosmology of nation” on the interpretation, and of prescribing a national duty of remembrance for what then was the passing of the greatest Civil War generation.<sup>7</sup>

Memorializing the conflicts in the landscape became a part of the nation-making process. David Blight has said that at the turn of the nineteenth century, veterans “joined arms with white

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<sup>6</sup> Debra Buchholtz, *The Battle of Greasy Grass/Little Bighorn: Custer's Last Stand in Memory, History, and Popular Culture* (New York and London: Routledge, 2012), 131-133; David W. Grua, *Surviving Wounded Knee: The Lakotas and the Politics of Memory* (Oxford: Oxford University Press, 2016); also see Aaron L. Barth, “Barth on Grua, ‘Surviving Wounded Knee: The Lakotas and the Politics of Memory,’” in *H-War*, December 2016, <https://networks.h-net.org/node/12840/reviews/157333/barth-grua-surviving-wounded-knee-lakotas-and-politics-memory>.

<sup>7</sup> For the dynamics of this migration to the Great Plains, and specifically to North Dakota, see John C. Hudson, “Migration to an American Frontier,” *Annals of the Association of American Geographers* 66, no. 2 (June 1976): 242-65. For the ethnic diversity of North Dakota’s Euro-American homesteaders, see William Sherman, *Prairie Mosaic: An Ethnic Atlas of Rural North Dakota* (Fargo: North Dakota Institute for Regional Studies Press, 1983); For Civil War remembrance, see Stuart McConnell, *Glorious Contentment: The Grand Army of the Republic, 1865-1900* (Chapel Hill: University of North Carolina Press, 1992), quote in text from page 15.

<sup>7</sup> David W. Blight, *Race and Reunion: The Civil War in American Memory* (Harvard University Press, 2001), 397; William Blair, *Cities of the Dead: Contesting the Memory of the Civil War in the South, 1865-1914* (Chapel Hill: University of North Carolina Press, 2004), x.

supremacy in Civil War memory,” and William Blair added that these “new invented traditions of the Civil War *were* politics and power.” While eastern Civil War memorials ignored the notions of emancipation, U.S. Ocetic Sakowin War memorials in the American West ignored how the US brought Total War to Native America. This is largely because political authorities created a national identity in the vein of Social-Darwinistic thinking of the time, and this resulted in a version of historical memory that fused race with nation.<sup>8</sup>

Over one hundred and fifty years later, the memorialization of heroic feats on Great Plains and Western American landscapes no longer serves as it once did. Citizens and scholars have reclaimed notions of memory, protracted reflection, and mourning. Contemporary scholarship has re-engaged with sites throughout the American West and post-Civil War sites of battle and genocide. They have attempted to understand them as complicated events with long-reaching effects. Historians are now considering the complexity and ambiguity of the incidents by tracking how the remembrance of a site changes with time, and how those events in history are recounted.<sup>9</sup>

This dissertation pivots from that, and focuses on settler colonists who, in the decades before and after the turn of the nineteenth century, attempted to make sense of the war and conquest that came in advance of their settlement. By interacting and inserting themselves with the history and in the landscapes where it happened, settler colonists became a part of the past and present landscapes. They wanted the past to relate to their own lives. David Glassberg refers to this

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<sup>8</sup> David W. Blight, *Race and Reunion: The Civil War in American Memory* (Harvard University Press, 2001), 397; William Blair, *Cities of the Dead: Contesting the Memory of the Civil War in the South, 1865-1914* (Chapel Hill: The University of North Carolina Press, 2004), x.

<sup>9</sup> The following works are a cursory selection of contemporary historiography that deals with the idea and history of nationalism. See Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York: Verso, 2006, 1991, & 1983); Ernest Gellner, *Nations and Nationalism* (Cornell University Press, 2006 & 1983); E. J. Hobsbawm, *Nations and Nationalism Since 1780: Programme, Myth, Reality* (Cambridge: Cambridge University Press, 1990); Geoff Eley and Ronald Grigor Suny, *Becoming National: A Reader* (Oxford: Oxford University Press, 1996)

as a “sense of history,” or the “intersection of the intimate and the historical – the way that past events of a personal and public nature are intertwined.”<sup>10</sup>

In that regard, this study is not military history. It falls in line with memory, like Aaron Grua’s 2016 work, *Surviving Wounded Knee*. Where Grua’s work tracks varying Lakota memory of Wounded Knee, this study pushes in a different direction, as it follows settler colonists and their post-1870s arrival to the northern plains. It is broken down into Anglo-Americans, first generation settler colonists, and immigrant settler colonists. It tracks how and why these individuals articulated in word, fine art, and illustration what they thought about prior historical events in the landscape. Their articulation of word and illustration of past local historical events allowed them to develop meaning in their present. This, in turn, developed for them a deep sense of place.

In *Grasslands Grown: Creating Place on the U.S. Northern Plains and Canadian Prairies*, Molly Rozum notes that the “first generation born to settlers in Canada’s Prairie Provinces and the U.S. Northern Great Plains states shared a deep sense of place.”<sup>11</sup> Rozum notes that first- and second-generation settlers “formed emotional senses of place by experiencing, with historical high levels of bodily immersion, a shifting mixture of existing wild native grasslands plants and commercial grains increasingly grown by settler societies.”<sup>12</sup> Rozum’s work is a deep dive into several individuals who developed a network to develop art, literature, and history about a place. This dissertation pushes such work even further.

This dissertation shows that several individuals in the first and second generational wave of settlers to the northern plains created intellectual works of public art, literature, architecture, and history, and argues that through this they created and developed a sense of history that explained

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<sup>10</sup> David Glassberg, *A Sense of History: The Place of the Past in American Life* (Amherst: University of Massachusetts Press, 2001), 6.

<sup>11</sup> Molly Rozum, *Grasslands Grown: Creating Place on the U.S. Northern Plains and Canadian Prairies* (University of Nebraska Press, 2021), 350.

<sup>12</sup> Rozum, *Grasslands Grown*, 351.

why this place, the northern plains, mattered. Expressions of art, literature, history, architecture, and landscape architecture by individuals within this dissertation – Odin Oyen, Patrick Byrne, Aaron McGaffey Beede, Clell Gannon, B. Terrill Hoyt – make real the intent of these settlers of “the grasslands” who, as Rozum argues, were “determined to explain their own relationship to a place they embraced and felt rooted to or profoundly affected by.”<sup>13</sup> Each individual expressed connection to the northern plains through art, history, and landscape architecture. The work they accomplished from the 1870s to the 1930s is still revisited, considered, and reconsidered in the 21<sup>st</sup> century. In one way this 21<sup>st</sup> century relevance is reflected in a 2010 meeting of the North Dakota State Historic Preservation Review Board.

On December 10, 2010, the North Dakota State Historic Preservation Review Board convened in Lecture Room B of the State Historical Society of North Dakota in the city of Bismarck. Lorna Meidinger, executive secretary of the review board, had issued a press release the month prior, on November 24. Procedurally, the review board, made up of five professionals and two citizen members, convenes quarterly to review draft write-ups and presentations of National Register of Historic Places (NRHP) nominations. The review board listens and deliberates whether or not NPHP nominations have sufficient primary research and narrative detail to be advanced to the United States Secretary of the Interior in Washington, DC.

Noted in the November 24 press release, and within the December 10 agenda for review, three sites in North Dakota were up for consideration. The first was a Works Progress Administration fieldstone amphitheater from the 1930s in Valley City, North Dakota. The second was a wood-frame Episcopal church that dated from 1905 in Rolla, North Dakota. The final was Whitestone Hill, the September 1863 site of a massacre between the United States military and bands from the Oceti Sakowin, or what in the nineteenth century were known as the Great Sioux

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<sup>13</sup> Rozum, *Grasslands Grown*, 8.

Nation. In reviewing these historic structures and sites, the NRHP review board continued to develop and cultivate a sense of place on the northern plains through the codification of the historic sites in the NRHP registry.

The Whitestone Hill nomination was saved for the end, as there was anticipation the topic would generate considerable discussion. A November 23 memo that accompanied the press release noted, “Several groups have expressed a lot of interest in the nomination for Whitestone Hill which includes the Whitestone Hill State Historic Site and the core area of the 1863 conflict.” Meidinger said, “This nomination has been placed last on the agenda in case of an extended discussion.” The study of Whitestone Hill had generated more than just discussion. The proposed Whitestone Hill nomination represented close to 150 years of controversy.<sup>14</sup>

Attendees at the meeting came from across the state of North Dakota and South Dakota and represented different viewpoints of Whitestone Hill. The review board meeting minutes list a total of six board members, several citizens from sovereign tribal nations on the northern plains, staff from the State Historical Society of North Dakota, citizens of North Dakota, and professional contract archaeologists. Tribal citizens listed in the minutes included Tim Mintz, Sr. (Standing Rock Sioux Tribe), Alycia Yellow Eyes (Standing Rock Sioux Tribe), Tamara St. John (Sisseton Wahpeton Oyate), George Ironshield (Standing Rock Sioux Tribe), and, as noted in the minutes, “7 additional members of the public.”<sup>15</sup>

The year prior, on May 25-30, 2009, the State Historical Society of North Dakota’s annual report had noted that a collaborative archaeological survey was conducted at Whitestone Hill State

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<sup>14</sup> North Dakota State Historic Preservation Board (NDSHPB) News Release, December 10, 2010, on file with the North Dakota State Historic Preservation Office (NDSHPO), Bismarck; memo from Lorna Meidinger, Executive Secretary of the NDSHPB, November 23, 2010, NDSHPO, Bismarck.

<sup>15</sup> In dialogue with tribal citizen Justin Deegan, Deegan pointed out that instead of using the phrase “tribal member,” “tribal citizen” implies active civic engagement within the sovereign nation.

Historic Site by archaeologists from the Standing Rock and Rosebud Reservations in North Dakota and South Dakota. Funding for the project originated from the National Park Service American Battlefield Protection Program (NPS-ABPP). Created in 1991, the NPS-ABPP program responded to citizen concerns about the need to study American Civil War landscapes prior to or in consideration of modern industrial development. Five years later, the United States Congress passed the American Battlefield Protection Act of 1996 (Public Law 104-333, 16 U.S.C. 469k), officially authorizing the ABPP. While the NPS-ABPP program's origins were of the American Civil War, the program was expanded to include the study of any and all wars on American soil from the American Revolution to the present. While NPS-ABPP studies can have shortcomings, such as emphasizing Napoleonic warfare at the expense of indigenous cultural history, the program's monetary grants allow for the deliberate bringing together of different voices connected to the history of specific sites.

For example, additional tribal members of the May 2009 field survey included scholars, historians, and traditional knowledge keepers from Sisseton Wahpeton Oyate, the Yankton Sioux Tribe, and the Turtle Mountain Band of Chippewa.<sup>16</sup> During that survey, and leading up to that survey, a central point of contention was whether Whitestone Hill should be described as a battlefield or massacre site.

The opening paragraph of the 1996 American Battlefield Protection Act stated that the purpose

is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order

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<sup>16</sup> State Historical Society of North Dakota Annual Report, *Plains Talk*, Winter 2009, p 6-7.

that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.<sup>17</sup>

Since 1996, Congress has enacted legislation to undertake battlefield studies and authorize “the ABPP to administer Civil War land acquisition grants” and to work with the “established national historic preservation program to the extent practicable.” This was to

encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.<sup>18</sup>

Of Whitestone Hill, it is a site with National significance. Recounting the specifics of the Whitestone Hill review board demonstrates the local texture created by the Federal NPS-ABPP legislation. This legislation has helped marshal resources that allow for scholars, local historians, and traditional knowledge keepers to study sites at length. While not necessarily articulated in the Federal ABPP legislation, this process deepens the sense of place at these sites. A local example of this is represented in the 2010 North Dakota State Historic Preservation Board meeting. At the review board meeting on December 10, 2010, board members reflected different generational perspectives. Dr. Gordon Iseminger started his professional career professing history at the University of North Dakota in 1962, a year prior to the 1963 centennial observance of Whitestone Hill (1863-1963).<sup>19</sup> Iseminger expressed his understandable intent to leave the meeting early due to “weather moving

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<sup>17</sup> For the full American Battlefield Protection Act of 1996 bill, <https://www.nps.gov/abpp/statutes/American%20Battlefield%20Protection%20Act%20of%201996.pdf>.

<sup>18</sup> National Park Service, American Battlefield Protection Program, “Statutes,” <https://www.nps.gov/abpp/statutes/statutes.htm>.

<sup>19</sup> “A history career ‘as rich as history itself.’” UND Today. September 1, 2020, <https://blogs.und.edu/und-today/2020/09/a-history-career-as-rich-as-history-itself/>.

in” (it was winter), and he wanted time to drive back to the University of North Dakota in Grand Forks, which was 270 miles away. Iseminger’s departing comments expressed his desire to return any revisions back to the state review board, and he felt the nomination did not require “20 pages of battle details.” The ABPP field research and archival process had produced deep documentation of the affair at Whitestone Hill.

At 1:05PM, review board chair Erik Sakariassen convened the meeting. Because of the large number of citizens and public in attendance, Sakariassen explained a bit of the process, and the review board’s role in the NRHP nominations. In remembering the meeting, Sakariassen said the Whitestone Hill presentation “began as a very contentious discussion,” but it “evolved into a very positive outcome and willingness by the SHSND [State Historical Society of North Dakota] to rewrite the nomination themselves working directly with tribal representatives.”<sup>20</sup>

The meeting minutes note that review board members could understand and see that Whitestone Hill was certainly eligible for nomination to the NRHP, but several areas needed expansion. Sakariassen asked why the nomination did not address the individual significance of General Alfred Sully.<sup>21</sup> Thompson pointed out that while the battle was important, additional research was needed “to provide more information on the effects on the people.”<sup>22</sup> Irwin noted that the impacts to the indigenous populations “was huge,” and in the next draft he would like to see greater social history from the tribal perspective.<sup>23</sup>

Almost three years after the December 2010 board meeting, on April 26, 2013, the state review board reconvened to review the recommended updates to the 2010 draft nomination. Board members present included Kimberlee Madsen, Harlan Ormbreck, Barry Williams, Kathy Wilner,

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<sup>20</sup> August 16, 2019 e-mail from Erik Sakariassen to Aaron Barth.

<sup>21</sup> North Dakota State Historic Preservation Review Board (NDSHPRB) Meeting Minutes, December 10, 2010, p. 4.

<sup>22</sup> NDSHPRB Meeting Minutes, December 10, 2010, p. 4.

<sup>23</sup> NDSHPRB Meeting Minutes, December 10, 2010, p. 4.



Bobbi Hepper Olson, Damien Reinhart, and Dr. Gordon Iseminger. Also “present at various times” were the following: Lorna Meidinger (Executive Secretary of the review board), LaDonna Brave Bull Allard (Standing Rock Sioux Tribe), Kathy Lunde (Certified Local Government Coordinator), Steve Martens “& his wife,” Steve & Miriam Schoenig, Tamara St. John (Sisseton, Wahpeton Oyate), Mary Wilson, Merl Paaverud (Director, SHSND), Fern Swenson (Deputy Director, SHSND), Tim Reed (Research Archaeologist, SHSND), Dr. Kimball Banks (contract archaeologist), Diane Rogness (Site Supervisor, SHSND), Meagan Schoenfelder, Wendi Field Murray, Amy Bleier, Mike Brandenburg (North Dakota District 28 Representative), See Boy, and “+12 members of the public.”<sup>24</sup>

Of note in the meeting minutes were comments made by North Dakota State Representative Brandenburg. Brandenburg’s residence in Edgeley, North Dakota, placed him approximately twenty miles from Whitestone Hill State Historic Site. Brandenburg said he had been on site at Whitestone Hill, and thought at this point “the tribes and government are starting to trust each other more.” He also noted that local citizens who live in the area of Whitestone Hill “don’t know the story,” but they are interested and want to know more. Brandenburg noted that the SHSND “should tell this story.”<sup>25</sup> As an elected official near Whitestone Hill, Brandenburg’s comments resonated. Brandenburg understood the history, and he had interest in more. He also had the ability and potential of a local leader to influence future state funding and policy that might affect Whitestone Hill.

The history of remembering the US-Oceti Sakowin Wars and, more broadly, the US Indian Wars, has always been and will continue to be about controlling the narrative. In the nineteenth century, the brutality the United States military was ordered to carry out on the indigenous tribes and

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<sup>24</sup> North Dakota State Historic Preservation Review Board (NDSHPRB) Meeting Minutes, April 26, 2013, p. 1.

<sup>25</sup> NDSHPRB Meeting Minutes, April 26, 2013, p. 5.

sovereign nations was extreme. Controlling the narrative has everything to do with how and why words or images are chosen to display in public settings and in publications.

Brigadier General Alfred Sully, the Army commander ordered in 1863 to lead a punitive campaign against “the Sioux” following the 1862 US-Dakota War in Minnesota, submitted his official Whitestone Hill report to the War Department on September 11, 1863. Sully described the engagement with verbiage that reflected the total-war lexicon. Without regret or reticence, he said the actions of his Union troops against “warriors... squaws, [and] children” was a “melée” and a “murderous slaughter” of a “promiscuous nature.” His command killed 150 to 300 Natives, and if he had had another hour or two of light, he asserted, “I could have annihilated the enemy,” giving “one of the most severe punishments that the Indians have ever received.”<sup>26</sup>

This was the first official United States Government narrative account of the massacre. The US-Dakota War from 1862, and Whitestone Hill of 1863, became part of the larger war against the Oceti Sakowin. It shaped the memory of combatants and non-combatants. A point to be made is that this original narrative from September 11, 1863, written by Brigadier General Alfred Sully, articulated the reality that the United States Army attacked and killed non-combatants and combatants. The narrative, according to Sully, was a war, and non-combatants being killed were a part of that war. The term “war,” though, means different things in different cultures, and not always the same thing to individuals within the same culture.

The history of the US Indian Wars is an outgrowth of the larger process of colonization in World History. Another process of this colonization was codified into law in 1823. United States Supreme Court Justice John Marshall was the first to apply the doctrine of discovery to United

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<sup>26</sup> Aaron L Barth, “Imagining a Battlefield at a Civil War Mistake: The Public History of Whitestone Hill, 1863 to 2013” in *The Public Historian*, Vol. 35, No. 3 (August 2013): 73. United States War Department, *A War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series I, Vol. 22 (Part I), Chap. XXXIV, 557-59.

States law. As Steven T. Newcomb says in *Pagans in the Promised Land*, “the 1823 Supreme Court ruling *Johnson & Graham’s Lessee v. M’Intosh*” was a case that created the “mental framework” for the United States Government to deny “Indian nations a free existence” through expropriating “the vast majority of Indian lands by means of a dominating conceptual system.”<sup>27</sup> In the *Johnson v. M’Intosh* ruling, Chief Justice Marshall wrote that Native Americans could not sell land because, through the doctrine of discovery, Native Americans did not own the land in the first place. The social structure that settlers operated within on the northern plains from the 1870s through the 1930s was shaped by Supreme Court decisions such as the one in 1823. Marshall’s interpretation and tone toward Natives had a precedent of troubled relations nineteen years prior, when President Jefferson’s agents of settler colonization arrived to the northern plains.

As Captain Meriwether Lewis and Lt. William Clark and the Corps of Discovery encountered the Oceti Sakowin on the upper Missouri River in 1804, the three referred to the Oceti Sakowin as pirates of the Missouri River. During Lewis & Clark’s return in 1806, Lt. Clark spotted and met with Sicangus, a subset of the Oceti Sakowin. Clark informed the Sicangus that they were “bad people,” and that American traders would arrive soon, “sufficiently Strong to whip any vilenous party who dare to oppose them.”<sup>28</sup> This perpetuated the established tone toward the Oceti Sakowin within the highest political office in the United States.<sup>29</sup> This established what would become a protracted war between the US and the Oceti Sakowin throughout the long nineteenth century. A myth was also born, that of the Native American that would “disappear.”

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<sup>27</sup> Steven T. Newcomb, *Pagans in the Promised Land: Decoding the Doctrine of Christian Discovery* (Golden, Colorado: Fulcrum Publishing, 2008), xxi.

<sup>28</sup> Pekka Hämäläinen, *Lakota America: A New History of Indigenous Power* (New Haven: Yale University Press, 2019), 145.

<sup>29</sup> Jonathan Lear, *Radical Hope: Ethics in the Face of Cultural Devastation* (Boston: Harvard University Press, 2008), 6. As Lear noted in *Radical Hope*, “Humans are by nature cultural animals: we necessarily inhabit a way of life that is expressed in a culture. But our way of life – whatever it is – is vulnerable in various ways... Should that way of life break down, that is *our* problem.”

According to Jeffrey Ostler, the myth of the “vanishing” Native American validated “an ideology that made declining Native populations seem to be an inevitable consequence of natural processes,” thereby empowering American policy makers to “evade moral responsibility for their destructive choices.”<sup>30</sup> The long process, one decade after another, of American officials undermining the idea of native sovereignty accelerated after the War of 1812. “Andrew Jackson led the way” on this front, securing cessions from Chickasaws, Cherokees, and Choctaws by the fall of 1816.<sup>31</sup> Seven years later, US Supreme Court Justice Marshall would standardize the doctrine of discovery by codifying it into federal law.

Contemporary scholarship is not silent on this 1823 case though. In his 2008 work *Pagans in the Promised Land: Decoding the Doctrine of Discovery*, Steven T. Newcomb draws attention to the 1823 United States Supreme Court Case, *Johnson & Graham’s Lessee v. M’Intosh*. Newcomb says it is important to bring attention to the legal history of Indian Law, specifically “how legal concepts are generated from argument, persuasion, and experience” and how by becoming law they become “socially ‘real’ in our lives.” He follows this by noting that “the foundation of property law and federal Indian law is not the Constitution,” rather, it is “the idealized cognitive model of the conqueror seizing a promised land for a chosen people.”<sup>32</sup> Newcomb’s 2008 work builds upon Steven L. Winter’s 2001 cognitive legal studies, *A Clearing in the Forest: Law, Life, and Mind*.<sup>33</sup>

The legal scholarship of Newcomb and Winter is not the specific emphasis of this dissertation, but it does create the framework by which Oyen, Byrne, Beede, Gannon and Hoyt operated within – whether they were always or ever conscious of it or not. Articulating this legal

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<sup>30</sup> Ostler, *Surviving Genocide* (2019), 184.

<sup>31</sup> Ibid.

<sup>32</sup> Steven T. Newcomb, *Pagans in the Promised Land: Decoding the Doctrine of Christian Discovery* (Golden, Colorado: Fulcrum Press, 2008), xiii.

<sup>33</sup> Steven L. Winter, *A Clearing in the Forest: Law, Life, and Mind* (Chicago: University of Chicago Press, 2001).

scholarship is important, as it bears on collective and shared memory of today, and how US Supreme Court Justice Marshall's 1823 assertion that "the Indians never had any idea of individual property in their lands" was a cognitive model formed, argued, and propagated.<sup>34</sup> Marshall argued "discovery [of the land by European colonizers] gave exclusive title to those who made it," whether Catholic or Protestant.<sup>35</sup> Marshall said the "history of America, from its discovery to the present day, proves, we think, the universal recognition of these principals." Empires did not exclusively claim land they discovered "solely on the grant of the Pope." It was based "on the rights given by discovery."<sup>36</sup>

This 1823 ruling from Washington, DC reverberated across space and time. Over 1,600 miles and twenty-eight years later – from Washington, DC in 1823 to Fort Laramie in 1851 – the treaty talks at Fort Laramie convened on the Great Plains. Thousands of Native Americans from various tribal nations attended the council along the North Platte River. Attendance was so great that the treaty was relocated from Fort Laramie to Horse Creek. Attendees included representatives of the Oglala Sioux, Brule Sioux, Cheyenne, Assiniboine, Mandan, Gros Ventre, Arapaho, Crow, Hidatsa, Shoshone (attended though not invited), Arikara, Snake, and Rees. The federal government invited the Comanche, Kiowa, and Apache, but they either could not or decided not to attend. It is important to recount the signatories and federal boundaries of the 1851 treaty as these treaties, yet today, inspire and influence the outlook participants bring to NPS-ABPP studies of the area and to more general interpretations.<sup>37</sup>

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<sup>34</sup> *Johnson v. McIntosh*, 21 U.S. 543 (1823).

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

<sup>37</sup> See NPS bulletin, "Scotts Bluff National Monument Nebraska: Fort Laramie Treaty of 1851 (Horse Creek Treaty)," link accessed on November 30, 2019, <https://www.nps.gov/scbl/planyourvisit/upload/Horse-Creek-Treaty.pdf>

Signatories of the 1851 treaty agreed to “abstain in the future from all hostilities whatever against each other, to maintain good faith and friendship in all their mutual intercourse, and to make an effective and lasting peace.” The treaty also recognized “the right of the United States Government to establish roads, military and other posts, within their respective territories,” and in doing this, the United States would “protect the aforesaid Indian nations against the commission of all depredations by the people of the said United States, after ratification of this treaty.”<sup>38</sup> The treaty allowed for the President of the United States to discern whether all parties were acting out the treaty, or whether violations were happening.<sup>39</sup> Results of this treaty, from Fort Laramie in 1851 to the Massacre at Wounded Knee in 1890, are extensive. The historiography of the US Oceti Sakowin wars appears to grow each year. Historical actors such as Byrne, Oyen, Beede, Gannon, and Hoyt represent the foundational “stone” of this historiography. The NPS-ABPP allows for twenty first century public historians to continue layering the sense of history and sense of place on the shoulders of the regional twentieth century predecessors.

The NPS-ABPP commissioned studies continue to engender a sense of history at these sites. Five years after Inkpaduta’s 1857 actions in northwestern Iowa, wars between individual Dakota and white settler colonizers fought along the Minnesota River Valley. Since 2008, the NPS-ABPP contracted with archaeologists, historians, and city, county and state historical societies to study and examine recommendations and determinations for NRHP eligibility. In Minnesota, studies were carried out at Wood Lake Battlefield and New Ulm. In North Dakota, studies continued to consider the August 1862 actions at Fort Abercrombie State Historic Site and the September 1863 actions at

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<sup>38</sup> Verbatim terms of the treaty found within the National Park Service bulletin for Scotts Bluff National Monument Nebraska, “Scotts Bluff: Fort Laramie Treaty of 1851 (Horse Creek Treaty)” on November 30, 2019. Link: <https://www.nps.gov/scbl/planyourvisit/upload/Horse-Creek-Treaty.pdf>

<sup>39</sup> An example of a US President struggling with the abstractions in the treaty versus the realities in the field is covered in Mary Stockwell, *Interrupted Odyssey: Ulysses S. Grant and the American Indians* (Carbondale: Southern Illinois University Press, 2018).

Whitestone Hill State Historic Site. Additional sites in central North Dakota included the rolling battles of Big Mound, Fort Rice, and the Battle of Apple Creek. In western North Dakota, NPS-ABPP grants allowed for investigation into the 1864 sites, including the 1864 Battle of Killdeer Mountain, the Battle of the Badlands, and the Battle of Fort Dilts.<sup>40</sup> Historians researched and exhausted the primary sources of soldier and officer accounts.

This dissertation argues that it is time to push the understanding of the US Oceti Sakowin wars in different directions, particularly in the direction that stops obsessing and constantly revisiting the officer and soldier accounts. More particularly, it is argued, it is time to push in the direction that looks at how and why scholars, artists, and professionals struggled with ways to interpret the 1854-1891 US Oceti Sakowin wars before and after the turn of the nineteenth century.

Volumes upon volumes have been written about the wars of the 1860s and 1870s, commencing with members of the settler society who first wrote from living memory, then digested the narratives and incorporated them into their formative histories. When the first wave of settler colonists arrived in the late 1860s and 1870s, they perceived first-hand what was happening on the northern plains. As the second generation arrived, the first generation communicated its perceptive findings throughout the 1880s and 1890s. By the 1900s and 1910s, the second generation of arrivals began transcribing those memories into published works and public murals. Arriving immigrants and the second generation of Anglo-American settlers navigated the established Anglo-American power-structure in various ways.

As we see in the case of Norwegian immigrants in Wisconsin and Minnesota, artists trained as public muralists at the recently formed Chicago Art Institute throughout the 1880s and connected with state and county governments to produce county murals and massive landscape battle

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<sup>40</sup> From 2002-present, the NPS ABPP grants awarded to study the US-Indian Wars on the northern plains are listed here: <https://www.nps.gov/subjects/battlefields/battlefield-planning-grants.htm>

paintings. From the outset these paintings invited controversy, and in one case Norwegian immigrant Odin Oyen expressed his concerns to an established Anglo-American policy maker. A former Episcopal preacher, Aaron McGaffey Beede also pushed back on the Anglo-American power-structure shortly after North Dakota US Congressman Thomas Marshall gave racist remarks in the dedication of the soldier monument at Whitestone Hill in 1909. Beede asked his readers to listen to the Oceti Sakowin and make incremental efforts to learn and understand the languages.

Patrick Byrne, an immigrant from Ireland, pushed back intensely on the fiftieth observance of Custer's fall at the Battle of Little Bighorn with his 1926 publication *Soldiers of the Plains*. The book proved so controversial that the friends of Libby Custer were said to have approached the publishing house to purchase the copyrights so the book could not be reprinted. Clell Gannon, also of Scotch-Irish descent, took a more nuanced approach, and painted the "progression of history" in the entrance of the new Burleigh County Courthouse in 1931. Within these horizontal murals, Sibley's 1863 column is visible in an overland march.

To return to Glassberg, this dissertation situates the ways in which historical actors remembered how others have remembered the nineteenth-century wars between the United States Government and the Oceti Sakowin. It speaks to the "new memory scholarship" in that it, as Glassberg says, "expands the types of institutions and ideas that historians customarily examine in the traditional historiography course." It situates and contextualizes the way northern plains historical actors remembered the wars between the United States Government and the Oceti Sakowin. Glassberg's remarks were published first in 2001. Glassberg's remarks on the period of "epistemological upheavals" of the 1980s resonate with the "epistemological upheavals" of the 1900-1930 period that Oyen, Gannon, Byrne, Beede, and Hoyt operated within. They operated beyond the academic university in the public realm. Collaboration is messy. They spent lifetimes organizing primary sources. They consulted with contemporaries. They visited landscapes and



helped contribute to the settler colonizing cities. They collaborated. They argued. They layered new meanings unto the landscape, and through this they deepened the sense of place and the sense of history on the northern plains.<sup>41</sup>

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<sup>41</sup> Glassberg, 9, 205-206.

## CHAPTER 2: THE PUBLIC HISTORY OF THE WHITESTONE HILL MONUMENT

In 1909, United States Congressman Thomas Marshall spearheaded the legislation that ultimately led to the Whitestone Hill Battlefield monument, a granite obelisk topped with a Civil War bugler installed on a hilltop in southeastern, North Dakota. This monument intended to memorialize the 20 Union soldiers who died during the US-Dakota Wars, specifically the engagement between General Alfred Sully and the Dakota in early September of 1863. In the official Civil War record, Sully described the engagement with a Total War lexicon. He said the actions of his Union troops against “warriors... squaws, [and] children” was a “melée” and a “murderous slaughter” of a “promiscuous nature.” His command killed 150 to 300 Natives, and if he had another hour or two of light, he said, “I could have annihilated the enemy,” giving “one of the most severe punishments that the Indians have ever received.”<sup>42</sup>

Sully’s command attacked an innocent majority for the actions committed the previous year by a small band of Santee-Dakota in the Minnesota River Valley. For this reason the Native encampment at Whitestone Hill had little reason to think they were in danger of being attacked. By 1863, though, the United States considered all Dakota as “savage,” and deserving of punishment. The 1863 Euro-American style of warfare, as laid out by Francis Lieber, followed the military strategies of Carl von Clausewitz. So long as the U.S. military did not torture, assassinate, poison or violate flags of truce, they could, in the words of John Fabian Witt, “do virtually anything” for “securing the ends of the war.” Thus, on September 3, 1863, Sully’s military command carried out the orders to meet and destroy a large, seasonal encampment of Dakota readying themselves for another winter on the northern Great Plains.<sup>43</sup>

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<sup>42</sup> United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series I, Vol. 22 (Part I), Chap. XXXIV, 557-559.

<sup>43</sup> For an exegesis on Francis Lieber and the U.S. military’s code of conduct during the Civil War, see the Bancroft Award winner John Fabian Witt, *Lincoln’s Code: The Laws of War in American History* (New York: Free Press, 2012), 3-4. For an understanding of the individualized style of 19<sup>th</sup> century

The nineteenth-century Euro-American style and rules of warfare differed from the Dakota style and rules, and it is important to keep this in mind when reading how the mass media covered the events. On the eve of emancipation, President Lincoln and Francis Lieber had worked out the legal rules of war. Lincoln issued the code of war on December 31, 1862, or nine months before Whitestone Hill. While the legal code distinguished between treatment of combatants and non-combatants, it also allowed for “military necessity” in a wartime setting. Historian John Fabian Witt said that Lincoln’s “instructions of 1863 seemed to have excluded Indians from their scope.” Minnesota’s Governor Ramsey and General John Pope also held contempt toward all Dakota, and Lincoln had to curb the governor’s wish to execute over 300 Natives who came into captivity under a flag of surrender and truce. Ramsey and Pope would exercise revenge in the subsequent punitive campaigns of 1863 and 1864.<sup>44</sup>

While Lincoln’s legal code of war ignored natives, General Pope desired military success and applied increased pressure on Sully for results. The extreme temperatures intrinsic to Great Plains weather strained Sully’s physiology and advanced age. During the Civil War he noted the intense heat in Missouri and the cold evenings in Warrenton, Virginia. This discomfort coupled with rheumatism and an increasingly anxious General Pope gave Sully enough reason to produce results for his superior officers. As well, the U.S. government lumped all Dakota together, and the orders were to punish the many for atrocities committed in 1862 by a few.<sup>45</sup>

For Sully and other Civil War officers and soldiers, the phrase “battle-field” was synonymous with a descriptively blunt war time vocabulary. In essence, it was Total War, or search

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Dakota fighting, see Guy Gibbon, “Explaining Sioux Warfare” in *The Sioux: The Dakota and Lakota Nations*, (Malden, Massachusetts: Blackwell Publishing, 2003), 92-94.

<sup>44</sup> Witt, *Lincoln’s Code* (2012), 330. David A. Nichols, *Lincoln and the Indians: Civil War Policy and Politics* (St. Paul, Minnesota: Minnesota Historical Society Press, 2012; 2000; 1978), 123-128.

<sup>45</sup> Langdon Sully, *No Tears for the General: The Life of Alfred Sully, 1821-1879* (Palo-Alto, California: American West Publishing Company, 1974), 135, 137, 157.

and destroy, and Sully did not flinch about describing it this way. On September 4, 1863, the day after his military column fired on the Dakota, his scouts “found the dead and wounded in all directions of them, some miles from the battle-field.”<sup>46</sup> Continuing, he said the Dakota had abandoned,

...immense quantities of provisions, baggage, &c., where they had apparently cut loose their ponies from “travois,” running all over the prairie... The deserted camp of the Indians, together with the country all around, was covered with their plunder. ... I burned up over 400,000 to 500,000 pounds of dried buffalo meat as one item, besides 300 lodges, and a very large quantity of property of great value to the Indians.<sup>47</sup>

The goal was to attack Dakota, regardless of whether they participated in the US-Dakota War of 1862. By destroying their supplies, the US Army hoped to deny the Dakota the ability to survive the approaching winter. Yet the Dakota encampment at Whitestone Hill was much more complex than an organized force of Dakota warriors readying for battle. While there were combatants, an organized force of Dakota warriors would not carry up to a half-million pounds of dried buffalo meat with them, nor 300 tipi lodges, nor a miscellany of, in Sully’s words, “plunder.” Sully engaged not an enemy force, but rather a seasonal gathering of extended Dakota families and neighbors.<sup>48</sup>

In several cases, the national media familiar with the battles from the Civil War between the Union and Confederacy did not elaborate on this point. Seasoned war correspondents may have had familiarity with earlier wars from 1854 to 1856 at Blue Water Creek. They were likely more focused

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<sup>46</sup> U.S. War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series I, Vol. 22 (Part I), Chap. XXXIV, 559.

<sup>47</sup> Ibid, 559.

<sup>48</sup> Mark Diedrich has an excellent map of the locations of various Dakota tribes in 1862 in Diedrich, *Mni Wakan Oyate (Spirit Lake Nation): A History of the Sisitwan, Wahpeton, Pabaksa, and Other Dakota That Settled at Spirit Lake, North Dakota* (Fort Totten, North Dakota: Cankdeska Cikana Community College Publishing, 2007), 47.

on abolitionists, border ruffians, John Brown, bleeding Kansas and the free-soil party in the ante-bellum 1850s, and later the Battle of Gettysburg, or the Union and Confederate battles on the Tennessee-Georgia border near Chickamauga Creek. Additionally, after August 1862, real and mythical stories about the atrocities of the Dakota Conflict continued rippling out of the Minnesota River Valley and throughout the nation. When it came to news, a Euro-American readership was prepared for stories about the Union Army dealing decisive blows to the Confederate Army in Tennessee and Georgia, and “savage” Natives in Dakota Territory.<sup>49</sup>

The mass media continued reporting on the specifics of this clash of cultures. On September 19, 1863, *The New York Times* printed Sully’s dispatch to General John Pope from September 4, 1863. In it, Sully informed Pope that “Yesterday we surprised over 400 lodges of hostile Indians; fought them and dispersed them; killed over 100; destroyed all their camp and all their property,” and that he had in his “hands many prisoners.” Sully did not ascribe “battlefield” to Whitestone Hill in this dispatch, nor did he delineate between combatant and non-combatant, again reflective of the U.S. Army’s desire to punish all Dakota. *The New York Times* ran this under the headline of “THE WAR WITH THE INDIANS.; Gen. Sully’s Victory,” and *The New York Times* informed the reading public that it was indeed a war, and that Sully was victorious.<sup>50</sup>

*The St. Paul Pioneer* ran a lengthier story on October 9, 1863. Reporting on this punitive campaign against all Dakota, the *St. Paul Pioneer* opened with the headline, “THE INDIAN WAR.; Gen. Sully’s Campaign Full Description of his Battle Immense Captures of Indian Provisions, &c.

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<sup>49</sup> David A. Nichols notes that Lincoln dealt with the “five civilized tribes” in Oklahoma and Kansas during the Civil War because they represented a threat to the Union cause of keeping the nation whole and, eventually, emancipation. In response to the Dakota Conflict of 1862, Lincoln took the model from the southern and central Great Plains and applied it to the upper Midwest and northern Great Plains. He created “the Indian System,” an institution based on political patronage that was, in the words of Nichols, “[c]omplex and corrupt to the core.” See Nichols, *Lincoln and the Indians* (2012, 2000, & 1978), xi-xii.

<sup>50</sup> “THE WAR WITH THE INDIANS.; Gen. Sully’s Victory,” *New York Times*, September 19, 1863.

What the Indians Say of the Sibley Fights,” again propagating the idea that a “battle” and “war” had been properly waged. The story further delineated the war between Natives and non-Natives, drawing national lines across ethnic boundaries, and “led a great many to imagine that we [Sully’s command] were fully prepared to overcome any obstacle, and kill and destroy all the Indians on the Upper Missouri and Dakota Territory.” The high command of the Union Army commissioned any and all necessary means of force to subdue or destroy the Dakota people.<sup>51</sup>

A newspaper local to the Minnesota River Valley published a soldier’s account of Whitestone Hill on October 9, 1863, and *The New York Times* republished it nine days later on October 18. This spoke to how individual soldiers rationalized their participation in such engagements. After killing combatants and non-combatants, a veteran of Whitestone Hill said,

We killed over a thousand dogs, which were hitched to “travels” [*travois*] upon which little babies, camp kettles and other household goods were packed. We killed also about 150 ponies. The majority of them were wounded in the fight, and were killed by order next day.<sup>52</sup>

In addition to the national code of war, rank-and-file Euro-American soldiers accepted this military behavior, and national media outlets continued doing the same.<sup>53</sup>

By the end of October, *Harper’s Weekly* printed a narrative and illustration entitled, “The Sioux War – Cavalry Charge of Sully’s Brigade at the Battle of White Stone Hill, September 3, 1863. – Sketched by an Officer Engaged.” The article recounted how Sully worked his “way against every adverse circumstance up to Dacotah to punish the savages for the massacres in Minnesota last year.” In addition to imagining that all Dakota acted as one military unit, the article did not mention that

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<sup>51</sup> “THE INDIAN WAR.; Gen. Sully’s Campaign Full Description of his Battle Immense Captures of Indian Provisions, &c. What the Indians Say of the Sibley Fights,” *St. Paul Pioneer*, October 9, 1863; republished in *New York Times*, October 18, 1863.

<sup>52</sup> *Ibid.*

<sup>53</sup> “THE INDIAN WAR” *St. Paul Pioneer*, October 9, 1863; republished in *New York Times*, October 18, 1863.

Sully engaged non-combatants. Any uncritical reader was left with a smattering of Victorian adjectives that preceded the names of Union officers, and *Harper's Weekly* did a fantastic job of projecting heroic Civil War feats typical in the eastern theater onto a Euro-American army that attacked a domestic population on the northern Great Plains.<sup>54</sup>

Accompanied by his, “old Potomac officers, belonging to the immortal First Minnesota,” Sully and the Sixth Iowa Cavalry, eight companies of the Second Nebraska, one company of the Seventh Iowa Cavalry, and one battery of six small brass pieces,

...encountered the Indians near White Stone Hill, about the centre of Dacotah Territory, on the 3d of September, and in a most bloody fight of about thirty minutes, before night set in, killed nearly two hundred savages, wounding nearly one hundred more, capturing one hundred and fifty-eight prisoners, besides seizing immense supplies of buffalo meat which they had dried for the winter, destroying five hundred of their lodges, capturing a large lot of ponies, and an immense stock of robes, furs, etc. The result of this fight will most certainly lead the savages to sue for peace. They never have suffered such a terrible blow.<sup>55</sup>

In this way, note how *Harper's Weekly* thought the Dakota would sue for peace, which in turn suggests how the United States at times recognized the Dakota as a sovereign nation, and at other times as “savage.”

*Harper's Weekly* also followed this description with details of how Union Colonel D.S. Wilson “narrowly escaped” death, “his horse being killed under him while gallantly leading his regiment.” Sully also received the title of a “gallant officer,” and the invocation of his actions against the Confederacy demonstrated how noble his deeds were in Dakota Territory. He “fought bravely in

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<sup>54</sup> “The Sioux War – Cavalry Charge of Sully’s Brigade at the Battle of White Stone Hill, September 3, 1863. – Sketched by an Officer Engaged” *Harper's Weekly*, October 31, 1863, 695.

<sup>55</sup> “The Sioux War – Cavalry Charge of Sully’s Brigade at the Battle of White Stone Hill, September 3, 1863. – Sketched by an Officer Engaged” *Harper's Weekly*, October 31, 1863, 695.

every battle on the Potomac from Bull Run to Chancellorsville,” and as “an old regular,” he was “selected because he was experienced in savage warfare.” The final four sentences of the article note how Sully had “overcome all the obstacles,” that he “deserves well at the hands of his countrymen,” and that he did “his duty nobly.” The illustration that accompanied this description, however, provided a more complicated story to this Quixotic narrative.<sup>56</sup> (Appendix – Figure 1)

The *Harper's Weekly* illustration shows a ridge-line in the distance, and in the foreground cavalry officers with sabers drawn high swooping through a Native American encampment. In the distance on the ridgeline are mounted cavalry, four howitzers, and a line of infantrymen – presumably, Sully and his command. The cavalry officers below already overcame four tipi lodges and they are bearing down on horseless Dakota defenders. Out of all the Natives on foot, only three appear to be aiming firearms at the Union attackers. In the lower right-hand corner of the illustration, at least two Dakota women are fleeing with babies and children from the mounted cavalry.

The *Harper's Weekly* illustration echoes the way the two cultures understood one another. At least up to 1862, all of Native America, including the Dakota, were considered “uncivilized” and beyond the legal boundaries of “modern organized sovereign states.” For the Dakota, each individual acted on his or her own behalf including in times of war. The Euro-American style of warfare, however, did not recognize this, and Sully’s attack came as a surprise to the Dakota. Only a smattering of participants from the 1862 US-Dakota Wars were thought to be in the camp. The simple idea of this provided more than enough justification for the Dakota to not think they would be attacked, and for Sully to open fire and send his cavalry swooping through the encampment at Whitestone Hill.<sup>57</sup>

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<sup>56</sup> Ibid, 695.

<sup>57</sup> Witt, *Lincoln's Code* (2012), 330.



Approximately 16 years after the engagement at Whitestone Hill, Sully died. On April 28, 1879, General Oliver O. Howard published General Sully's obituary in *The New York Times*, again solidifying in the readers mind his lofty status due to his glorious feats against the South and the Dakota. According to Howard, Sully demonstrated "marked ability, with unflinching courage" in the "Florida war against the Seminole Indians, in the Mexican war, through the Rogue River expedition in Oregon, and in campaigns against the Dakota and Cheyenne in Minnesota and Nebraska." In the following paragraph, Howard noted how Sully defeated "the combined tribes at White Stone Hill." He called the action a "war," and asked readers to let "the Army review it, rejoice in and emulate it while the old flag floats where he helped to keep it flying." In addition to the traditional memorialization of an army officer, by 1879, GAR membership had grown in numbers enough to influence the way officers and politicians remembered engagements during the Civil War. They would wave this flag and "bloody shirt" over the passing Civil War generation through the turn of the century.<sup>58</sup>

On July 13, 1901, the GAR chapter local to Whitestone Hill solicited thoughts and support for eventually memorializing the Union Soldiers "who did so much to open the country to civilization." The GAR said they "would be glad to hear from all interested in this project," and public officials responded. Working in collaboration with local politicians, the GAR organized efforts to formally articulate a "battlefield" boundary at Whitestone Hill. These individuals included North Dakota Congressman Thomas F. Marshall who claimed Oakes, North Dakota as his home. Born in Hannibal, Missouri on March 7, 1854, Marshall received his education at the State Normal School in Platteville, Wisconsin, and at 29 years of age moved to Oakes, Dakota Territory in 1883. He was a professional surveyor, a banker, and he became the first mayor of Oakes. Within two

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<sup>58</sup> Oliver O. Howard, "The Late Gen. Sully," *New York Times*, May 12, 1879; McConnell, *Glorious Contentment* (1992), 16.

decades of arriving to northern Dakota Territory, he had ascended the political ladder, and in 1902 North Dakota finally sent him to the United States Congress.<sup>59</sup> (Appendix – Figure 2)

Although Congressman Marshall was too young to serve in the Civil War (he would have been 7 years old when it began), he and the national parties pushed to memorialize and remember veterans of the Civil War. By February 18, 1902, Marshall had gained the attention of the US Secretary of War, Elihu Root. They agreed to mark the Union graves while Marshall continued to work on a bill that would memorialize the battle. A concerted statewide effort was made on March 13, 1905, when the North Dakota state legislature passed a bill, and a commission was formed under the leadership of veterans of the eastern theater of the Civil War, Theodore Northrop, E.R. Kennedy and H.F. Eaton. The commission was effective. By 1908, Marshall developed a bill that referred to Whitestone Hill as a “memorial park and burial ground of the soldiers killed at the battle.” This legislation was important in that it delineated and codified the geographic lines of Whitestone Hill, officially making a park out of it. The language used, however, was the same as that which defined landscapes as eastern Civil War battlefields and veteran cemeteries.<sup>60</sup>

Veterans who fought in the eastern theatre of the Civil War brought those memories to bear on their interpretation of Whitestone Hill. Within *The Oakes Times Supplement*, Eaton and Kennedy

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<sup>59</sup> The GAR solicited support to build a memorial for Whitestone Hill in “Account of Historic Battle: A Move to Erect Monument to Commemorate the Battle of Whitestone Hills,” *Bismarck Daily Tribune*, July 13, 1901, page 2. Additional information on Thomas F. Marshall is in the *Oakes Times Supplement*, pages 21-22, an undated manuscript within the North Dakota Institute for Regional Studies, Fargo. Manuscript Call # F64402403. For the a history of the Progressive movement in North Dakota at the turn of the 20<sup>th</sup> century, see D. Jerome Tweton, “The Election of 1900 in North Dakota” (M.A. thesis, University of North Dakota, 1957). A biographical sketch of Marshall can be found at the *Biographical Directory of the United States Congress: 1774-Present*. Accessed on April 28, 2012, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=M000163>

<sup>60</sup> The public was alerted to Representative Marshall’s success in getting the attention of the Secretary of War in an untitled announcement in the *Bismarck Daily Tribune*, February 18, 1902, page 3. For legal Federal language on the erection of the Union soldier graves at Whitestone Hill, see Sixtieth United States Congress, 1<sup>st</sup> Session, House Reports, Vol. 2 (Washington, D.C.: Government Printing Office, 1908), Serial 5226, Report No. 1682 1-2.

were described as “A Few of the Old Timers of Dickey County,” having settled in northern Dakota Territory after the Civil War. Kennedy enlisted on April 16, 1861, and served as a corporal with Company H, Ninth Indiana Infantry. He served the duration of the war, and left as a Sergeant with the First United States Veteran Volunteer Engineers. Eaton served in the Civil War in 1862 and 1863 as a member of the Fourth Battery Maine Volunteers. It did not matter that neither Kennedy nor Eaton served as soldiers on the punitive campaigns in Dakota Territory. What mattered was that they were Civil War veterans living in North Dakota, and the public worked to construct a common past to memorialize the Civil War struggle, and build a common memory for the nation.<sup>61</sup>

The dedication of the memorial took place on a cool, sunny day on October 13, 1909. *The Bismarck Daily Tribune* reported that there “was a large crowd present,” and the event opened with a military bugle call and prayer. Congressman Marshall, who in his 1907 campaign platform said he stood for the “complete and rigid control by the strong arm of the national government,” delivered the official dedication. Addressing the audience, he asked them to remember that they were “standing on soil made sacred by the blood of the soldiers of 1863.” After this, he fused blood with race, and noted how veterans “shed their blood” and “gave up their lives” in “the arduous task of supplanting the Red Man.” He punctuated this with Social Darwinian thought, saying the engagement worked “out the law of the Survival of the Fittest, in order that the White Man, the highest type of civilization, should have full sway.” Similar to Civil War memorials that honored Union and Confederate forces in the eastern theatre, Marshall infused the Whitestone Hill memorial with racist, nation-building sentiments.<sup>62</sup>

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<sup>61</sup> *Oakes Times Supplement*, (North Dakota Institute for Regional Studies, Fargo: undated manuscript, Call # F64402403), page 60.

<sup>62</sup> Whitestone Battlefield Celebration Committee, *Whitestone Battlefield: A History from 1863 to 1976* (Publisher Unknown: Historic Celebration at Whitestone Park on July 4-5, 1976; archived in the North Dakota State University Library, Fargo, North Dakota), 2. Hereafter *Whitestone Battlefield: A History from 1863-1976* (1976); “Detailed Account of the Dedication of The Whitestone Battlefield Monument,” *Bismarck Daily Tribune*, October 16, 1909, pages 1 and 8; State Historical Society of

The Whitestone Hill memorial is typical of Civil War memorials that commemorated and sanctified soldiers killed in the eastern theater during the war. An artisan from Quincy, Massachusetts, carved the monument out of Barre Granite from a quarry located in Vermont. A bugler faces north atop the obelisk, and the base is surrounded by 20 granite headstones that mark each Union grave. Chiseled into the north side of the obelisk is the phrase in capital letters that reads, “IN MEMORY OF SOLDIERS OF THE 6<sup>TH</sup> IOWA AND 2<sup>ND</sup> NEBRASKA CAVALRY KILLED ON THIS GROUND IN BATTLE WITH SIOUX INDIANS SEPT. 3 AND 5, 1863.” The west and east sides of the obelisk have a pair of cavalry sabers crossed behind a wreath. The south side has an American flag, and the Whitestone Hill “Battlefield” commissioner names — E.R. Kennedy, Theo. Northrop and H.F. Eaton — are etched into the base. All of this is set on top of the tallest hill within the area, and a photograph from the 1909 dedication shows a group of approximately 50 individuals facing north toward the direction of the camera.<sup>63</sup> (Appendix – Figure 3).

A year later, a Memorial Day service drew 4,000 attendees, and again the official program list of scheduled events called for patriotic songs (“America”), a “Reading—Patriotic—by Miss Hulda Scheidt of Kulm, N.D.,” another “15 Minute Address by Hon. T. F. Marshall of Oakes, N.D.,” and a lecture by University of North Dakota’s Dr. Orin G. Libby entitled, “Our Earliest History.” The ceremony concluded with “God Be With Us Till We Meet Again.” The interplay between published sources, public commemoration, and the newly created monument recycled the name of “battle” and “battlefield” with race and nation, which was common for Civil War memorialization. Two

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North Dakota, E.A. Williams Papers, Folder A48/1/21, Folder “Newspaper Clippings Concerning Political Platforms of Various N.D. Candidates, 1900-1910.”

<sup>63</sup> *Whitestone Battlefield: A History from 1863-1976* (1976), 10. “Detailed Account of the Dedication of The Whitestone Battlefield Monument,” *Bismarck Daily Tribune*, October 16, 1909, page 8.

years later, Marshall's interpretation of Whitestone Hill was portrayed in a public mural at the nearby county courthouse in Ellendale, North Dakota.<sup>64</sup>

In 1912, three years after Congressman Marshall delivered his statements at Whitestone Hill, county officials unveiled the newly constructed Dickey county courthouse in Ellendale, approximately 25 miles from Whitestone Hill. As visitors walked through the fluted Corinthian columns to the front entrance of the Buechner and Orth courthouse, and up the terrazzo marble steps, in the rotunda they could gaze up toward a skylight surrounded by a series of four murals. If a visitor looked to the west, then north, then east, and finally south, they would see Thomas Marshall's racial progress. In addition to the courthouse mural of Sully's September 3, 1863 engagement with the Dakota at Whitestone Hill, the additional three murals impressionistically contextualized Sully's punitive campaign as part of the nation-making narrative that displaced or destroyed indigenes for Euro-American farmsteads and settlements.<sup>65</sup>

In the July 4, 1912 issue of the *North Dakota Record*, the murals were said to "represent scenes from the earliest advance of white settlers." The mural to the west depicted a small group of Native Americans on horseback in the midst of a bison hunt. In the background of this painting are two barely visible figures amidst a stampede, and a third Native is a bit closer, on horseback, drawing an arrow and leveling it at the herd. In the foreground is a fourth Native in pursuit of a wounded bison. This first mural showed that the "entire region was the domain of the red man" and described as "a rarely true painting of early life on the plains." This gave the courthouse visitors a sense that they were within the former Dakota hunting grounds on the northern Great Plains and the James River Valley.<sup>66</sup> (Appendix – Figure 4)

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<sup>64</sup> *Whitestone Battlefield: A History from 1863-1976* (1976), 18-20.

<sup>65</sup> Note: the Dickey County Courthouse was placed on the National Register of Historic Places on November 25, 1980.

<sup>66</sup> "New Court House Dedicated," *North Dakota Record*, Ellendale, North Dakota, July 4, 1912, page 1.

If the visitor looked from the west to the north, they would see a painting of Sully's September 3, 1863 engagement at Whitestone Hill, this described by the *North Dakota Record* as "the advent of the white man and the gradual driving back of the Indian." The painting is from a slightly elevated vantage just behind and to the left of Sully. On horseback, Sully has his left arm raised toward a saluting officer, and the Union cavalry charging into the distant Native encampment of teepees that are already ablaze with smoke plumes billowing up into the prairie sky. Sully's raised arm and the saluting officer denotes a kind of military hierarchy, conveying to the viewer that an order is being carried out. It is important to contrast this local 1912 mural in the Dickey County Courthouse with the national 1863 illustration that appeared *Harper's Weekly* as it shows the change in the official public perception. In 1863, *Harper's Weekly* and an officer gave the public a detailed illustration of what happens when a Union cavalry swooped through a domestic encampment of Dakota, women and children fleeing in all directions. The 1912 mural, though, distanced the viewer from these up-close realities, and it took the side of Sully and the Federal government, the latter a political idea Marshall openly supported. (Appendix – Figure 5)

From here, a visitor could look from the north to the east, and see the earliest Euro-American sodbusters breaking untilled prairie for the first time. This painting was made from homestead photographs of the Dickey County Commissioner C.S. Brown and his neighbor, and would thereby be a mural "familiar to many of the older residents of the county, and is still to be seen further west" in North Dakota. Within this mural is a team of oxen pulling a plow. One Euro-American man is guiding the plow, and another is next to the Oxen, holding a long wood switch over his shoulder to encourage the draft animals as needed. In the distance are two sod structures, an earthen barn and homestead. A woman in a dress holding an infant stands in the doorway, looking out toward the men and the team of oxen. There are six chickens in front of her, and to the left of the sod barn are three cattle grazing. When taken together, with the mural of Sully's

command to the immediate north, the two sodbusters appear to be gazing toward the northern mural of the Union cavalry swooping into the Native encampment at Whitestone Hill, impressing on the visitor that before sodbusting and settlement, a kind of genocide had to first take place.

(Appendix – Figure 6)

Finally, if the courthouse visitor turned to the south, they would see an “allegorical” mural depicting the ideal Euro-American agrarian setting of, according to the *North Dakota Record*, “a present day farm scene in this prosperous farming community.” In the foreground of this “modern” landscape painting are five stacks of grain, and to the right a “fine herd of Holstein cattle” grazing in a field and drinking from a creek. Behind this, in the background, are two farmsteads. The buildings include four-square and gable residences, one red gambrel and one red gable barn, a lean-to chicken coop and a corn crib, and a faint outline of a windmill. There are no human subjects in this painting, giving the courthouse visitor the universal impression that this is the landscape they are living in now is “typical of many farms throughout the county.” (Appendix – Figure 7)

Narratives that focused on the actions at Whitestone Hill were not always in agreement with one another. On August 3, 1914, five years after the installment of the “Battlefield” monument, and two years after the mural unveiling at the Dickey County Courthouse in Ellendale, the Episcopalian Reverend Aaron McGaffey Beede, PhD, publicly proclaimed at a Whitestone Hill commemoration that the battle was all a mistake. Approximately 5,000 people attended the ceremony, including Red Bow, He-Takes-His-Shield, and Chief Red Fish, three Dakota who were in the 1863 Native encampment at Whitestone Hill. The narratives that survived Whitestone Hill were not in agreement. In many ways, these disagreeing narratives survived from one generation to another, all the way into the 2010 meeting room of the North Dakota State Historic Preservation Review Board.

Within a 1914 *Bismarck Daily Tribune* article, public officials acknowledged that a friendly and “happy community of Hunkpati River Sious were suddenly attacked,” and this group “had never

misused any white men, but they had red faces and black hair” like the small band of Santee-Dakota involved in the Minnesota River Valley wars of 1862. North Dakota Governor L. B. Hannah also attended, and concluded the ceremony with a future plan of interstate cooperation to paternalistically “inspire the Indians with hope and a true desire for progress.” While Hannah called for contemporary Natives to be inspired with hope for progress, Beede called for Euro-Americans to understand history from a Dakota perspective.<sup>67</sup>

One year later, in 1915, Beede expanded the sociology of knowledge of Whitestone Hill by publishing a play called *Heart-in-the-Lodge: “All a Mistake.”* In the preface, Beede recounted the US-Dakota Wars from 1862, and how “a desire for revenge obsessed White people.” A Dakota speaker, Episcopalian reverend, and a historian who lived on the reservation, Beede explained that the Dakota bands at Whitestone Hill in September 1863 were mistaken for the small Santee-Dakota bands that razed the Minnesota River Valley the previous year. Beede remarked on how simplistically non-Natives regarded Natives, saying that, “A murder by an Indian is chargeable to all Indians and is unforgiveable,” whereas a murder by a Euro-American was not chargeable to the entire ethnicity. The final paragraph in the preface said that some years after the Whitestone Hill massacre, General Sully was overhead saying that, “The battle was all a mistake.” Whether Sully actually said this or not is unknowable, but given Sully's expressed doubts about the event, and that later in life Sully took a Dakota wife, the claim is believable.<sup>68</sup>

Beede’s play conveyed the Union’s self-fulfilling prophecy that because the soldiers wanted to find Dakota to punish, they indeed found and punished Dakota. Beede explored how individual

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<sup>67</sup> “Commemorate Whitestone,” *Bismarck Daily Tribune*, September 3, 1914, page 3.

<sup>68</sup> Aaron McGaffey Beede, *Heart-in-the-Lodge: “All A Mistake”* (Bismarck, North Dakota: Bismarck Tribune Company, 1915), preface; Details about Sully’s Dakota wife comes from October 19, 2012 e-mail correspondence between Richard Rothaus and Philip Deloria. Deloria said Susan Pehandutewin was with Sully for approximately one winter. Deloria did not know the official marital status, but said that children came from them, as Deloria is one of the grandchildren.



misunderstandings and misinterpretations piled upon one another, and how ideology and racism simplified the complexities intrinsic to the realities of the US-Dakota War of 1862. Within the setting of the play, a Union interpreter entered into conversation with several Hunk-pa-ti at “Bigstone Lake” (Beede’s pseudonym for Whitestone Hill). The Hunk-pa-ti answered questions, but realized throughout the conversation that the Union interpreter was untrustworthy. After the Union interpreter asked three successive questions in a row, a Hunk-pa-ti identified in the play as a “Young Indian” said, “When a man asks three questions in one breath, he is like a wolf humped up into a badger to deceive prairie dogs and catch them.” In short, the Union interpreter repeatedly asked a loaded question, and the Hunk-pa-ti defaulted to common cultural wisdom and political philosophy.<sup>69</sup>

The Hunk-pa-ti tried to put the Union hearts, specifically the “Captain,” in a more amiable feeling by holding a council and sharing a tobacco pipe. A Hunk-pa-ti “Old Indian” offered the interpreter the pipe, insisting that he, “Smoke this pipe, and tell the ‘Captain’ to smoke it and let its truthful spirit testify in his heart whether or not what we are saying is true.” The interpreter refused, again demonstrating that the Union Army was there to produce violent results for a higher command. Within the play, Beede also noted that although Federal interpreters understood Native languages, they did not study them intensely enough to know the nuances and subtleties. “White men,” said Beede, “with patience and ‘Sprachansicht’ [*a definition of speech*] like German students, should have been sent by the government to learn each [Native] language with its thought, feeling and throb.” This did not happen, though, and because of these linguistic shortcomings, the negotiations were abrasive from the beginning.<sup>70</sup>

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<sup>69</sup> Beede, *Heart-in-the-Lodge*, (1915), 13.

<sup>70</sup> *Ibid*, 21.

Through this play Beede also captured the misunderstandings of the events at Whitestone Hill. This, in turn, reflected the nature of war and Sully's official Euro-American narrative. This is important, as is Beede's preface, especially considering that oral histories recounted Sully as having thought of Whitestone Hill as a mistake. Beede's story also mirrors how Euro-Americans nostalgically recounted the "closing" of the American frontier by developing narratives that longed for a return to an imagined, mythic, or real past. These ideas gained traction, and as the generation of Civil War veterans started passing away at the turn of the century, the public continued struggling with how to characterize the September 3, 1863 events at Whitestone Hill.<sup>71</sup>

Beede's *Heart in the Lodge* play attracted local and national attention, and several theaters performed it. Shortly after its publication, the *Daily Courier-News* (Fargo) called Beede's play a "fine contribution" to English literature. Percy MacKaye, a national dramatist and poet, said *Heart in the Lodge* had "the simplicity, strength and beauty of the old Greek plays." A variety of theaters put on the play, including the North Dakota Agricultural College (today North Dakota State University) in Fargo and at an unnamed "Montana school." Newspapers also reviewed Beede's work, noting that the "widely read and commented upon" play was "meeting popular approval." In the summer of 1915, the *Western Educator* said it was "of absorbing interest" and "excellent for high schools to play," the *Lewiston Daily Sun* (Maine) approved of its historical roots as having "all the charm of romance" and "poetry as well as drama," and the *Aberdeen Daily News* (South Dakota) noted how "Mrs. Perry gave a most interesting talk on Indian plays and read 'Heart-in-the-Lodge'" by Beede.<sup>72</sup>

Almost two decades later in 1930, the Dickey County Historical Society published *A History of Dickey County, North Dakota*, and this local history considered how rank and file Euro-American

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<sup>71</sup> See the exegesis on the myth of the American West in Henry Nash Smith, *Virgin Land: The American West as Symbol and Myth* (Harvard University Press, 1950).

<sup>72</sup> University of North Dakota, Department of Special Collections, Orin G. Libby Manuscript Collection 206, "Aaron McGaffey Beede and Ralph Gordon Beede Papers, 1899-1969," Box 1, Folder 28, Journal 5 and Box 2, Folder 1, Journal 6.

veterans, Mr. Luce of Groton, South Dakota, and Mr. A.F. Shanklin of Springville, Iowa, returned to the “battlefield” to identify where the fight occurred. Under government pressure, it said the “Dacotas” had “sold a part of their lands in Minnesota to the government but their payments were delayed and the issues of goods promised were not forthcoming.” This is important, because it demonstrates that by the 1930s, Beede’s 1915 ideas about Whitestone Hill had gained traction, and national interpretations about the “winning” of the American West were set against the local backdrop of the human costs.<sup>73</sup>

While rumors swirled within the communities immediate to Whitestone Hill, the Federal Works Progress Administration refortified the battlefield interpretation on the site by building a museum and entrance with fieldstones in the WPA Rustic architectural style. By 1941, the “Whitestone Hill Historic Battlefield” gateway had been built. Yet a year later, in 1942, Clinton Hess helped install a monument on the west side of Whitestone Hill. This monument departed from the 1909 interpretation, the inscription reading, “IN MEMORY OF THE SIOUX INDIANS WHO DIED ON THIS BATTLEFIELD SEPTEMBER 3-5, 1863 IN DEFENSE OF THEIR HOMES AND HUNTING GROUNDS.” The modest monument denoted five sub-divisions within the broader Dakota ethnicity, mentioning Blackfoot, Cuthead, Hunk-Pa-Pa, Santee, and Yanktonai.

While the monument did not describe the Dakota as innocent, and while it amplified Whitestone Hill as a battlefield, it did begin publicly acknowledging the depth and scope of Dakota culture, as Beede called for in his 1915 play. Instead of treating the Dakota as monolithic, the 1942 monument acknowledged that they were a confederation. The Santee were primarily accused of razing the Minnesota River Valley in 1862, and they are on the plaque. Yet the Blackfoot, Cuthead, Hunk-Pa-Pa, and Yanktonai, living on the east and west banks of the upper Missouri River in

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<sup>73</sup> Ryland Melville Black, editor, *A History of Dickey County, North Dakota* (Ellendale, North Dakota: Dickey County Historical Society, 1930), 25; *Whitestone Battlefield: A History from 1863-1976* (1976), 8, 12.

Dakota Territory, had nothing to do with the conflict in the Minnesota River Valley.<sup>74</sup> (Appendix – Figure 8)

One hundred years after the engagement at Whitestone Hill, the *Dickey County Leader* reported on the official “centennial” at the site on July 13, 1963. In the story, the newspaper reporter focused almost exclusively on visitor attendance and vendors that came to the weekend outing. The article, entitled, “Could Have Sold Water: It Was Thirsty At Whitestone,” noted how a “throng” of 12,000 to 15,000 visitors overwhelmed soda, ice tea, water and ice-cream vendors during the “Whitestone Battlefield centennial celebration.” A minor mention was allotted to Carl Whitman, a speaker brought in from Fort Totten, a former military post and Indian Boarding School that functioned from 1867 to 1959. The reporter did not cover any details of Whitman’s speech, but on page 2 the *Dickey County Leader* did cover the rodeo sponsored by the local Maude Evans Saddle Club just to the northeast of the original 1909 Whitestone Hill monument. Three years later, the State Historical Society of North Dakota’s journal published Geraldine Bean’s military history of Whitestone Hill, a piece of scholarship that favored the stance of the Union Army and the Federal Government rather than take Aaron Beede’s approach of understanding it from the view of the Dakota.<sup>75</sup>

Thirteen years after the local “celebration” of Whitestone Hill, the local Whitestone Battlefield Celebration Committee organized a national, bi-centennial event on July 4 and 5, 1976. While the committee said the event would “honor both Indians and whites who died,” the

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<sup>74</sup> For exegesis on the history of the Sioux Confederation, see Robert W. Galler, Jr., “Sustaining the Sioux Confederation: Yanktonai Initiatives and Influence on the Northern Plains, 1680-1880” *Western Historical Quarterly* 39 (Winter 2008): 467-490. Galler’s “essay argues that Yanktonai actions strengthened the Sioux confederation and thereby more broadly reveals the influence of tribes and tribal leaders who specialized in social and diplomatic relations away from the battlefield.”

<sup>75</sup> “Could Have Sold Water: It Was Thirsty at Whitestone” and “List Horse Show, Rodeo Winners at Whitestone,” *Dickey County Leader*, July 18, 1963, pages 1 and 2. Geraldine Bean, “General Alfred Sully and the Northwest Indian Expedition,” *North Dakota History: Journal of the Northern Plains*, Vol. 33, Summer 1966, No. 3, 240-259.

“battlefield” namesake persisted, this punctuated with “celebration,” both in the event and planning committee titles. The committee did publish a local public historical brochure, entitled “Whitestone Battlefield, A History From 1863 to 1976: Historic Celebration at Whitestone Park on July 4-5, 1976” and within included primary sources on Sully’s engagement, and secondary sources on how the engagement was remembered. One of the sources included reflections from a rank-and-file soldier, F.E. Caldwell, who was under Sully’s command. Caldwell remembered the event as something he perpetually tried to forget. In the official brochure for the Whitestone Hill Battlefield commemoration, his republished account from the morning of September 4, 1863 recalled a sight he did,

...not care to see again. Tepees, some standing, some torn down, some squaws that were dead, some that were wounded and still alive, young children of all ages from young infants to 8 or 10 years old, who had lost their parents, dead soldiers, dead Indians, dead horses, [and] hundreds of dogs howling for their masters.<sup>76</sup>

Thus, Sully was not the only soldier who second-guessed the attack, and how it would be remembered. In addition to Sully and Beede, the rank and file also had their doubts.

Similar to the centennial “celebration” from 1963, shortly after the Whitestone Hill national bi-centennial “battlefield celebration” in 1976, the State Historical Society of North Dakota published another military history of the engagement, Clair Jacobson’s “The Battle of Whitestone Hill.” Jacobson said the “battle,” in his words, “helped open the way for later white settlement of the area by forcing the Indians closer to accepting reservation status.” While this treatment notes that the Santee Dakota were not in the encampment at Whitestone Hill, Jacobson also questioned whether Sully’s actions were “justified and necessary.” This does more to obscure the fact that in

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<sup>76</sup> U.S. Department of War, *The War of the Rebellion* (1880), 562; *Whitestone Battlefield: A History from 1863 to 1976* (1976), 14.

1863, the Union Army operated under a Total War rubric, and the Federal government still characterized Native America as “uncivilized” and therefore beyond the realm of any “civilized” form of black letter law that Francis Lieber drafted for Lincoln’s code of war. General John Pope sent Sully and his command on a punitive campaign to punish all Dakota, and that is the order Sully carried out.<sup>77</sup>

Eleven years after the 1976 commemoration, the State Historical Society of North Dakota erected additional public signage at Whitestone Hill, this in 1986. Again, though, an official government agency reinforced the “Battlefield” namesake, without expanding on the 1860s Civil War rubric of warfare, and Congressman Thomas Marshall’s 1909 racist dedication. The signage does acknowledge the 150-300 Native deaths, but it does not expand on how they were non-combatants, and only alludes to the fact that the “Indians Sully confronted likely had no part in the 1862 troubles in Minnesota.” It goes on to say Sully “won a military victory,” but “at the expense of innocent people.” The political history of Claire Jacobson’s 1976 article is also included in the 1987 signage, as Sully furthered “a larger goal of federal Indian policy – forcing the Sioux onto reservations.” Yet this signage again advanced the military history of the public interpretation of Whitestone Hill, eclipsing the reality that it was a domestic, seasonal encampment. (Appendix – Figure 9)

More than one hundred fifty years later, descendants of Native participants have had an increasingly central role in how locals and the state of North Dakota are remembering Whitestone Hill. To a large degree this has much to do with advances made by tribal political activism, individuals willing to listen within the State Historical Society of North Dakota, and the Federal legislation of Executive Order #13175, passed on November 6, 2000 by President Clinton, and

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<sup>77</sup> Jacobson, “The Battle of Whitestone Hill,” *North Dakota History*, Vol. 44, Summer 1977, No. 3, 4-14.

updated on November 5, 2009 by President Obama. This Federal mandate requires institutional recipients of Federal funds to engage in “regular and meaningful consultation and collaboration with tribal officials in Federal policy decisions that have tribal implications.” In the first decade of the 21<sup>st</sup> century, the State Historical Society of North Dakota, the National Park Service, and local and professional historians and archaeologists have had an increased interest in bringing more Native voices into the fold of the Whitestone Hill National Register nomination. The Federal mandate ensures and authorizes state agencies to open or continue a meaningful dialog with tribal elders, tribal councils, tribal historians and genealogists.<sup>78</sup> (Appendix – Figure 10)

The sentiments expressed today at Whitestone Hill have persisted for 150 years, and the military history has been eroded to the point where the domestic Dakota histories are gaining official recognition. Yet the involvement of previously marginalized and “unofficial” interpretations at Whitestone Hill has not be a panacea — for example, in 2009, frustrations about the memory of Whitestone Hill was thought to have induced a case of arson at the local Whitestone Hill museum. What has happened, however, is the expansion of the dialogue. No professional historian involved in the process will ever again refer to Whitestone Hill as a battlefield without a pause and the introduction of some disclaimers. What has helped the conversation is that it has grown to include discussion of the memorial itself. Many, if not all, Native descendants do not want a memorial there at all, and Marshall’s public comments make it ethically and philosophically impossible to ignore the racism associated with the 1909 installment.<sup>79</sup> (Appendix Figure 11)

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<sup>78</sup> William J. Clinton, “Executive Order 13175: Consultation and Coordination With Indian Tribal Governments,” November 6, 2000; and Barrack H. Obama, “Memorandum for the Heads of Executive Departments and Agencies on Tribal Consultation,” November 5, 2009.

<sup>79</sup> In November 2009, Deputy Fire Marshal John Elstad said the fire that destroyed the museum at Whitestone Hill was “suspicious,” especially since the building is not wired for electricity. See Associated Press, “North Dakota museum destroyed by fire,” *WDAY News*, November 10, 2009. Nonetheless, much dialog has happened from 1986 to the present. Most recently, from 2010 to 2013, local panel discussions between Natives and non-Natives in Minnesota, North Dakota and South Dakota have taken place, allowing for a give and take of ideas and sentiments that consider

As well, in considering Whitestone Hill, it is worth acknowledging that Americans are quick to point out the horrors of genocide in the twenty first century, perhaps because those horrors are not happening on American soil. In our outrage, we might also consider it intellectually healthy and a patriotic duty to reflect on the disturbing realities in our own nation's history. That certain realities have been amplified and others ignored is reflected in the public interpretation of Whitestone Hill, North Dakota; Sand Creek, Colorado; Bear River, Idaho; and Blue Water, Nebraska. In the case of Whitestone Hill, tracking how later interpretations deviated from Sully's official description contributes to knowing that a massacre was part and parcel to the total war "battlefield." Acknowledging these definitions clears the ambiguity, and allows tribes to rescue their identity from history, define their own self-determination, and re-assert their inherent tribal sovereignty. If we do not recognize the philosophical realities in our nation's past, it seems hypocritical to ask the rest of the world to do the same.<sup>80</sup>

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memory, identity and history in the context of the US-Dakota War. The panels from these conferences were, "The Dakota War in Dakota Territory" discussion with Dennis Cooley, Richard Rothaus, Tamara St. John, and Ladonna Allard-Brave Bull, sponsored by the Center for Heritage Renewal and the North Dakota Humanities Council, March 22, 2013, Sitting Bull College (Fort Yates, Standing Rock Sioux Nation, North Dakota); "Dahkotah Ob Okiziyo Kin: A Panel Discussion on the Dakota Conflict" with Richard Rothaus, Dennis Gill, Dakota Goodhouse, Christopher Johnson, Tamara St. John, and Aaron Barth, March 30, 2012, University of Nebraska (Lincoln); "The Past, Present and Future of the US-Dakota War" with Richard Rothaus, Timothy Reed, Tamara St. John, Dakota Goodhouse, and Aaron Barth, April 29, 2011, Augustana College (Sioux Falls, South Dakota); and "Battlefields of the Dakota War," with Richard Rothaus, Michelle Terrell, Timothy Reed, Dakota Goodhouse, Kimball Banks, J. Signe Snortland and Aaron Barth, October 9, 2010, 68<sup>th</sup> Annual Plains Anthropology Conference (Bismarck, North Dakota); For the latest American Battlefield Protection Program studies of the US-Dakota War of 1862, see Michelle M. Terrell, *A Cultural Resource Survey and National Register Nomination for the Wood Lake Battlefield, Yellow Medicine County, Minnesota*. (American Battlefield Protection Program Grant No. GA-2255-08-030, Rochester, Minnesota: Wood Lake Battlefield Preservation Association, 2009), and Richard Rothaus, Daniel Hoisington, and Aaron Barth, *New Ulm, Milford and Leavenworth Battlefield Survey, Brown County, Minnesota*. (American Battlefield Protection Program Grant No. GA-2255-09-001, New Ulm, Minnesota: Brown County Historical Society, 2010).

<sup>80</sup> For connections on how history is connected to identity, and identity to historical notions of indigenous sovereignty, see Gelya Frank & Carole Goldberg, *Defying the Odds: The Tule River Tribe's Struggle for Sovereignty in Three Centuries* (Yale University Press, 2010); and the United Nations General Assembly's 2007 Declaration on the Rights of Indigenous Peoples.



### CHAPTER 3: ODIN J. OYEN'S PUBLIC MURAL

Odin J. Oyen's arrival in the 1880s to LaCrosse, Wisconsin, and his travels as a fine artist to decorate various public and private buildings on the northern plains, is a case study for how settler colonizers navigated and added to the sociology of knowledge about the US Oseti Sakowin Wars. Oyen's process was a part of the larger theme from the Beaux Arts movement of remembering specific actions during the American Civil War. From 1865 through the 1910s, fine artists trained under Beaux Arts masters in Paris and at the Art Institute of Chicago. These fine artists, working in Beaux Arts realism, painted battle scenes of varying size and scope.

An example of this came in the year 1883, when Paul Dominique Philippoteaux unveiled his largest work, the Gettysburg Cyclorama, in Chicago. Sixteen years later, in 1889, the Boston Cyclorama Company unveiled "The Custer Cyclorama." By the 1890s, though, large scale cycloramas had fallen out of popularity. Beaux Arts trained artists directed their attention toward different clients and projects, both private and public. Oyen's mural in the Dickey County Courthouse reflects this, as Oyen worked with the local elected officials in 1912 to remember the Civil War actions that had happened near this location 50 years prior, and had been commemorated three years prior with the 1909 installation of the White Stone Hill monument spearheaded by North Dakota United States Congressman Thomas Marshall.<sup>81</sup>

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<sup>81</sup> Yoni Applebaum, "The Great Illusion of Gettysburg" *The Atlantic* February 6, 2012 and "The Half-Life of Illusion: On the Brief and Glorious Heyday of the Cyclorama" *The Atlantic* February 8, 2012. Chris Brenneman and Sue Boardman, *The Gettysburg Cyclorama: The Turning Point of the Civil War on Canvas* (El Dorado Hills, California: Savas Beattie, LLC). "Cyclorama of Custer's Last Battle, or the Battle of the Little Bighorn" (Boston: Boston Cyclorama Company, 1889). Custer Cyclorama stories in "G. A. Custer" *Herald and News*, West Randolph, Vermont, p. 5, March 21, 1889; "Custer's Last Fight. (All Cavalry.) The Only New Cyclorama on Exhibition in Boston" *The Olneyville Times*, Providence, Rhode Island, p. 2, July 5, 1889.

Three years after the 1909 installation of the Whitestone Hill monument, on February 5, 1912, Dickey County Commissioner C. S. Brown sent a letter from North Dakota to Odin J. Oyen in La Crosse, Wisconsin. Brown asked Oyen to prepare preliminary sketches of the murals that would be painted in the Dickey County Courthouse. Of the murals, Brown said Oyen could use his “judgment in regard to this” but Dickey County was “near LaMoure [County]” and they “would like it to be different.” Additionally, Brown said the commissioners wanted the “second picture... to represent the fight between the U.S. troops and the indians on White Stone battlefield which is in this county.”<sup>82</sup>

Responding to this request, a day later Oyen said, “I may be saying a little more than I should on this subject but I don’t think that you or we would want to do anything that is going to be subject to considerable criticism” such as “the Horrors of Battle and Bloodshed” (capitalization Oyen’s). Oyen referenced Carl Boeckmann’s 1910 *Battle of Killdeer Mountain* painting on display in the Minnesota State Capitol in St. Paul. Of Boeckmann’s painting, Oyen said such paintings of battle should be “done in such a manner that it can be framed and hung on the wall” instead of permanently painted onto a wall. Permanent wall paintings, instead, should be “in a place where there should be something more of an uplift and enlightening nature.” Oyen asked Commissioner Brown to reconsider the Whitestone Hill mural so that “Bloodshed and Strife” was eliminated from the Dickey County Courthouse. Oyen politely suggested that only murals of idealistic virtues of justice and law be portrayed.<sup>83</sup> (Appendix – Figure 13)

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<sup>82</sup> Brown to Oyen, 02/05/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7.

<sup>83</sup> Oyen to Brown, 02/06/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7. Carl Boeckmann, “8<sup>th</sup> Minn. Infantry (Mounted) in the Battle of Ta-Ha-Kouty” 1910, Minnesota State Historical Society, St. Paul, <http://collections.mnhs.org/cms/display.php?irn=10331697>.

This situation represents complexities as to how and why the Oceti Sakowin Wars would be remembered just after the turn of the nineteenth century. The conversations local to the Dickey County Courthouse in Ellendale, North Dakota also reflected complexities inherent in the attitudes of the region. Oyen's life history demonstrates he was a citizen of the United States, trained by professional artists that represented historical traditions, specifically that of the Beaux-Arts Architectural and artistic tradition of Western Europe. Oyen understood artistic statements, and the actual and unforeseen impressions decorative paintings had. At the same time, Oyen also understood his commissions came from his clients. Oyen would carry out the wishes of those who financed his commissions. This background informed the consideration of style and reason for the mural painting in the Dickey County Courthouse.

Odin Julius Oyen was born in Trondhjem, Norway on May 21, 1865 to the parents of Lars and Anna Oyen. Oyen's parents originally hailed from Vaage on the Lommen River in northern Norway. Lars owned a factory and was a guildler by trade. By 1870, financial difficulties inspired Lars and Anna to emigrate to the United States where they first settled in Chicago. Two years later, they relocated to Madison, Wisconsin, where Lars took up painting and wood finishing. Even though the nation plunged into economic depression in September 1873, Lars and Anna made ends meet. They eventually produced enough income to send Oyen to school.<sup>84</sup>

Oyen was one of six siblings. Five siblings lived in Madison, including Odin, Mollie, Annie, Thea and Louis. A sixth and oldest brother, Peter, remained in Norway due to health issues. Annie and Thea passed away while in Madison. Lars and Anna dedicated resources to Oyen's upbringing at an early age, and Oyen attended eight years of school. He continued his education at age 14 as an apprentice to T. A. Nelson and his decorating firm at 110 East Mifflin Street. Upon completion of

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<sup>84</sup> Joan M. Rausch and Leslie F. Crocker, *Odin J. Oyen*, "V. Index of Known Sites of Interior Decoration by the Oyen Firm, 1888-1931, La Crosse, Wisconsin," (University of Wisconsin System, Board of Regents, 1979), 2.

his apprenticeship, Oyen received payment of \$1 and a bible. This early apprenticeship in interior decorating informed and influenced the direction Oyen would take in seeking professional art training.<sup>85</sup>

In 1883, as the nation recovered from an economic depression that had lasted from 1873 to 1880, Oyen enrolled at the Art Institute of Chicago. The economics of Chicago were unprecedented in world history, with New York City, London, England, and Sydney, Australia as parallel examples. Countless resources from nature's metropolis – the hinterlands and rural provinces that were brought into previously unknown industrial production — allowed for the rise of these great metropolises. Resources from the Great Plains and the American West poured into Chicago by rail. This produced wealth and growth in the city of Chicago, and it resulted in capital investments toward the arts and art institutes. This dedication to arts and art institutes ultimately resulted in the training of people that would place-make – make places what they are – on the northern plains.<sup>86</sup>

While at the Chicago Art Institute, Oyen trained under John Henry Vanderpoel, a master artist who had relocated from the Netherlands to the United States in 1869. Vanderpoel studied at the Chicago Academy of Design, the prologue to the Chicago Art Institute. He later trained in Europe from 1886 to 1888 at the Académie Julian in Paris with the French figure painters Gustave Clarence Rodolphe Boulanger and Jules Joseph Lefebvre. The Académie Julian trained students for exams at the Académie des Beaux-Arts. Through this Vanderpoel became a part of the artistic

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<sup>85</sup> Ibid, 2.

<sup>86</sup> James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939* (Oxford University Press, 2009), 1. Belich notes that in 1871, the growth of Chicago was regarded as “one of the most amazing things in the history of modern civilization.”; William Cronon, *Nature's Metropolis: Chicago and the Great West* (W.W. Norton, 1991), xvi. Cronon says, “The nineteenth century saw the creation of an integrated economy in the United States, an economy that bound city and country into a powerful national and international market that forever altered human relationships to American land.”

movement. He passed this training along to Oyen who, in turn, incorporated it into many of his mural paintings, including the Dickey County Courthouse in Ellendale, North Dakota.<sup>87</sup>

Vanderpoel and Oyen were at the Chicago Art Institute from 1883, when Oyen arrived, to 1886, when Vanderpoel departed for Paris. While Vanderpoel was known as a figure painter and an instructor at the Art Institute, he also was a master mural painter. Vanderpoel also completed murals on the ceiling of the DePaul University Theater (Chicago) and a massive mural painting at a hotel in Los Angeles. In Vanderpoel's *The Human Figure*, he says in his opening paragraph,

Successfully to build up the human figure in a drawing, painting or statue, either from imagination or from a model, the artist or sculptor must be possessed of a keen sense of construction.<sup>88</sup>

Vanderpoel imparted and trained Oyen in these techniques. Oyen benefitted from Vanderpoel and artists who had formed the Art Institute of Chicago largely as a response to the recovery efforts from the great Chicago fire from October 8-10, 1871. As Chicago rebuilt after the fire, the group of professional artists informed, shaped and guided the fine and decorative paintings that went to adorning private and public buildings. Vanderpoel, for example, trained in western Europe before emigrating to America. Vanderpoel was a part of the impressionistic movement that moved away from artistic works of aristocratic portraits and religious commissions to art that reflected the human form and landscapes.<sup>89</sup>

Shortly after graduation, Oyen relocated from Chicago to La Crosse, Wisconsin in February of 1888. Minnesota, Wisconsin and Dakota Territory, with a railroad system now in place, were

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<sup>87</sup> Rausch and Leslie F. Crocker, *Odin J. Oyen* (1979), 2-4. J. H. Vanderpoel, *The Human Figure*. (New York: Bridgman Publishers, Inc., 1935).

<sup>88</sup> J. H. Vanderpoel, *The Human Figure*. (New York: Bridgman Publishers, Inc., 1935), 11.

<sup>89</sup> For a topical overview of the Chicago fire of 1871, see Rick Kogan, "The Great Chicago Fire." *Chicago Tribune*. September 7, 2021. Also see Carl Smith, *Chicago's Great Fire: The Destruction and Resurrection of an Iconic American City*. (Atlantic Monthly Press, 2020) and Richard F. Bales, *The Great Chicago Fire and the Myth of Mrs. O'Leary's Cow*. (McFarland and Company, 2002).

experiencing unprecedented economic booms. Wisconsin represented the eastern fringe of the northern plains movement. Beaux Arts artists, such as Oyen, found clients who wanted to add layers of remembrance of the U.S. Ojibwe Wars to the public infrastructure of the northern plains. Regionally, this resulted from the exploitation of the finite and renewable resources that included minerals, timber, cattle, and grains. As the railroads pulled resources from the hinterlands into the urban metropolises, those same railroads filled the continental interior with immigrants, pioneers and settlers.

The federal government also backed railroad monopolies with massive land grants and supplied the railroads with military protection. On July 2, 1864, President Abraham Lincoln signed the NPRR charter allowing the railroad 46,000,000 acres of land. The NPRR surveyed a route that connected St. Paul and Duluth to stopping points such as Fargo, Bismarck, Billings, Helena, Missoula, Spokane, Walla Walla, and the Pacific Northwest. Feeder railroad lines were built to connect to rural towns and county seats. The NPRR used this land to build track, and the NPRR also sold tracts of this land to raise capital. This economic boom created massive fortunes, and led to individuals who had large sums of income to spend beyond shelter, food and clothing. It was the Gilded Age in American History. Individuals and institutes had money for art, including interior design. Oyen's firm achieved statewide acclaim in Wisconsin and Minnesota, and his success stemmed from relationships he developed with architects and elected officials.<sup>90</sup>

Oyen became acquainted with the architectural firm Charles W. Beuchner & Henry W. Orth based in St. Paul, Minnesota. Beuchner was originally born in Prussia, or today's Germany, in 1859, and emigrated to the United States in 1874. Beuchner studied in Minnesota under architect Clarence H. Johnston, Sr., a close friend of Cass Gilbert. Johnston served as Minnesota's State Architect from

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<sup>90</sup> M. John Lubetkin, *Jay Cooke's Gamble: The Northern Pacific Railroad, the Sioux, and the Panic of 1873* (Norman, Oklahoma: University of Oklahoma Press, 2006).

1901-1931. Henry Orth was a Norwegian immigrant, having been born in Norway on April 14, 1866. Oyen, along with architects Beuchner and Orth, shared in creating their own extension of the larger Beaux Arts movement.<sup>91</sup>

The Beaux Arts movement touched on everything from architecture to the interior arts and, as noted by the Chicago Architecture Center, emphasized “the importance of grand arrival halls and the progression of formal spaces in floor plans.” Its origins are tracked to the break with the eighteenth-century purist classicism. The Beaux Arts brought in architectural inspiration from the Gothic Middle Ages and Renaissance styles. In 1837, Prosper Merimée helped inspire what would become the Beaux Arts movement. Merimée, a French historian, archaeologist and author, and a member of the Commission of Historic Monuments, helped direct Joseph-Louis Duc, Félix Duban, Henri Labrouste and Léon Vaudoyer, teachers at the École des Beaux-Arts in Paris. This was to be a distinctly “French” style of art and architecture, also reflecting the surge in eighteenth century nation-states who, collectively, sought to define their origins and have that inform future directions in art and architecture. While Vanderpoel, Oyen’s teacher, did not train at the Académie Beaux Arts, Vanderpoel did train at Julian Académie, a preparatory school for the Beaux Arts. This training is reflected also in Oyen’s interior design murals.<sup>92</sup>

Oyen studied and worked in Chicago during a formative period when the Grand Army of the Republic influenced local Chicago politics, arts, and culture. These experiences of the 1880s

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<sup>91</sup> For the National Park Service National Register of Historic Places documentation of Buechner & Orth architecture in North Dakota, see Kurt P. Schweigert, “National Register of Historic Places Multiple Property Submission: Buechner and Orth Courthouses in North Dakota.” (Bismarck, North Dakota: State Historical Society of North Dakota, 1980). Barbara S. Christen and Steven Flanders, *Cass Gilbert, Life and Work: Architect of the Public Domain* (New York: W. W. Norton & Company, 2001).

<sup>92</sup> Chicago Architecture Center, “Beaux-Arts.” March 14, 2022, <https://www.architecture.org/learn/resources/architecture-dictionary/entry/beaux-arts/>. The Art Story, “Beaux-Arts Architecture.” March 14, 2022, <https://www.theartstory.org/movement/beaux-arts-architecture/>

exposed Oyen to the social, political and economic realities of public art.<sup>93</sup> Having finished his training at the Art Institute of Chicago, Oyen returned in 1888 to La Crosse, Wisconsin, and was joined by Louis Nelson in starting an interior decorating firm. With communities interconnected across the nation with the trans-continental railroads, lumber barons throughout Minnesota and Wisconsin fueled a booming construction business eager for professional interior finishes. Oyen's public art reach would push into the Dakotas and eastern Montana.<sup>94</sup>

Recapping the incremental steps needed to bring a mural from start to finish shows how much effort was required of the entire process. The processes of place-making, and remembering those processes contributed to the sociology of knowledge of that generation. That generation had cultural memory of the event. Once that generation passed into mortality, unless subsequent generations recalled those processes, it would be lost.

On December 4, 1911, as the interior of the Dickey County Courthouse was finished to the point where it was ready for decoration, Dickey County auditor V. E. Haskins issued a notice for bids. The notice read:

Sealed bids will be received by the County of Dickey, State of North Dakota, until 2.P.M. on the 10<sup>th</sup> day of January, 1912, for decorating the new Dickey County Court House and for furniture and light fixtures for the same. Plans and specifications so far as the same can be are on file with the county auditor at Ellendale and with Buechner and Orth, Architects at Shubert Building, St. Paul, Minn.

Bid documents sent to St. Paul also represented another settler colonizing sequence: the power center of St. Paul would collaborate with interior artists to arrive hundreds of miles away, in this case in Ellendale. The bid notice continued:

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<sup>93</sup> Sue Boardman, Chris Brenneeman, and Bill Dowling, *The Gettysburg Cyclorama: The Turning Point of the Civil War on Canvas*. (El Dorado Hills, California: Savas Beatie, 2015)

<sup>94</sup> Rausch and Crocker, *Odin J. Oyen*. (1979), 2.



Bidders are to give the price per piece on the different articles and the Board of County Commissioners reserve the right to select as many as they may think necessary from such lists at the agreed price. A certified check of 5 per cent of the amount of the bid must accompany the same and the board reserves the right to reject any or all bids or any part of the same. By order of the County Board of Dickey N.D., Date at Ellendale, N.D., this 4<sup>th</sup> day of December, 1911.<sup>95</sup>

Oyen received the notice through Western Union Telegraph Company when he was in Urbana, Illinois on December 21, 1911. The next day Dickey County auditor V.E. Haskins said he “would be pleased to have you [Odin] take this matter up with the architects, Buechner & Orth of St. Paul, Minn,” as they had “general supervision of the work and plans and specifications.” Haskins reminded Oyen that bids would “be opened on the 10<sup>th</sup> of January, 1912,” and personally signed the correspondence with a closing note, “Yours for a Merry Xmas and a Happy New Year.”<sup>96</sup>

As it was a public bid, the Dickey County Commission and staff kept up the appearance of a fair bidding process. Yet Oyen and his decorating firm had favorable precedent. By 1912 they had experience working with Buechner & Orth and decorating the North Dakota county courthouses of Foster County in the City of Carrington, Pierce County in the City of Rugby, LaMoure County in the City of LaMoure, and McHenry County in the City of Towner.<sup>97</sup> The suggestion from auditor Haskins would be warranted. On December 28, 1911, Oyen replied to Haskins:

Dear Sir: Your letter of Dec. 22, received. Thanking you for the information regarding the Decorating of the Dickey County Court House, and beg to state that Mr. Oyen or the writer

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<sup>95</sup> Dickey County Commission, bid notice, December 4, 1911. University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7.

<sup>96</sup> Haskins to Oyen, December 22, 1911, University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7.

<sup>97</sup> Joan M. Rausch and Leslie F. Crocker, *Odin J. Oyen*, “V. Index of Known Sites of Interior Decoration by the Oyen Firm, 1888-1931, La Crosse, Wisconsin,” (University of Wisconsin System, Board of Regents, 1979), P. 52

will be there when the bids are opened for same. Wishing you a Happy and Prosperous New Year. Yours very truly, Odin J. Oyen, Manager.<sup>98</sup>

Six days before the Dickey County Commission opened the public bids, Oyen requested the names of the county commissioners and cities in which they lived. Haskins sent the letter on January 4, 1912 to Oyen, noting the following. Dickey County Chairman F. E. Randall lived in Ludden; B. S. Hodges in Ellendale; John Wirch in Wirch; C. S. Brown in Oakes; and Bruce Scott in Monage.

Oyen's interest in individual commissioner names reflected a desire to develop relationships with clients. The relationships created dialog, and that dialog could or would inform the decorative arts with each project in unique ways. Like the architecture created for the cycloramas a couple decades prior, Beaux Arts artists understood how architectural design and interior finishes created a full sensory experience for visitors. Oyen wanted broader subject matter sent to him so he could begin developing the idea what the viewer would see and experience upon entry into the rotunda. On January 19, 1912, Oyen enclosed a bond for \$2,200, "as required with our decorating contract" for the work awarded for the Dickey County Courthouse by the Dickey County Commission. The first written documentation about the specifics of the Whitestone Hill mural was referenced in this letter. Oyen asked Haskins, "Please try and get the Commissioners together and make a selection of the subject that they want painted in the Rotunda."<sup>99</sup>

The deliberate sourcing of quality, long-lasting materials was the next step. This process also indicated that the mural was intended to be there for generations to come. During that day and the next, Oyen began ordering materials. On January 19, 1912, he placed an order to the Pittsburgh Plate Glass Company at No. 500-510 South Third Street in Minneapolis for Red Seal Lead paint.

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<sup>98</sup> Oyen to Haskins, 12/28/1911, University of Wisconsin-La Crosse, Odin J. Oyen Papers, "1912 Ellendale, ND Dickey County Courthouse" Box 25, Folder 7.

<sup>99</sup> Oyen to Haskins, 01/19/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, "1912 Ellendale, ND Dickey County Courthouse" Box 25, Folder 7.

The Pittsburgh Plate Glass Company North West manager, F.W. Currier, said the “orders have been entered for prompt shipment” and would “be shipped at once to Ellendale, N.D. and to Brookings, S.D.”<sup>100</sup> The next day on January 20, Oyen placed an order for “One bbl Boiled Linseed Oil” and “Five Gallons White Japan Dryer” with the Minnesota Linseed Oil & Paint Company for the courthouse in Ellendale, to be shipped “first freight via the Great Northern R.R.”<sup>101</sup> On January 22, Oyen placed another order to the Pittsburgh Plate Glass Company for “1 bbl Extra Gilders Bolted Whiting, Containing about 200 ih,” and “1 bbl Strictly Pure Turpentine [SIC].” Of the turpentine, Oyen added, “We do not want any substitute.”<sup>102</sup>

The process of mural painting, in the case of the Dickey County Courthouse, would have involved a couple steps of wall surface preparation. Upon acceptance of a contract bid, scaffolding would be erected to reach the elevated walls and ceilings. Laborers and painters prepped the wall with an undercoat of varnish or oil paint. Once dry, the painters applied a thin coat of glue. In the case of a rough wall, painters applied a thin coat of animal glue. After the application of the glue, painters applied a second coat of paint. On top of that decorators would paint the mural or interior design.

Oyen’s Dickey County Courthouse rotunda painting differed from the other courthouses his firm painted throughout North Dakota. The other county courthouses Oyen painted include the North Dakota counties of Pembina (Cavalier), McIntosh (Ashley), Divide (Crosby), Pierce (Rugby), LaMoure (LaMoure), Foster (Carrington), McHenry (Towner), Richland (Wahpeton), and Cass (Fargo). The Dickey County mural would be distinguished from the others based on the specific and

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<sup>100</sup> F.W. Currier to Oyen, 01/19/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7.

<sup>101</sup> Oyen to Minnesota Linseed Oil & Paint Co., 01/20/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7.

<sup>102</sup> Oyen to Pittsburgh Plate Glass Company, 01/22/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7.

unique action at Whitestone Hill. The back and forth between Oyen and the Dickey County commission represents the intentional thought that went into a placemaking illustration.

On January 23, 1912, Commissioner B. S. Hodges informed Oyen that the commission had “not selected the sketches” for the rotunda “yet but are trying to get a lecture of the Whitestone Battle Field instead of Indians chasing the Buf[f]alo.”<sup>103</sup> The “Indians chasing the Buf[f]alo” was one of the four standard murals painted in county courthouses across North Dakota. Oyen replied, confirming receipt of Hodges’ letter, and also asking Hodges and the commission to “not advise us to commence work until every thing is dry enough, so that there will be no delay for our men when they get there.”<sup>104</sup> On February 3, 1912, Hodges wrote to Oyen that the Dickey County Commission “axcepted [sic] the court house and the county is heating it now” so Hodges did “not see any thing to hinder your men from working” once they arrived. The electrician was also ordered to “pull his wires” so he would be “out of your way” upon arrival of Oyen’s crew.<sup>105</sup>

Oyen charged his foreman Borre M. Selund to paint and oversee the mural painting in the rotunda of the Dickey County Courthouse. On February 3, 1912, Selund sent a letter from the courthouse he was painting in Brookings, South Dakota to Oyen in La Crosse, Wisconsin. If reading the letter phonetically, it is possible to imagine what Selund’s immigrant accent sounded like. Selund wrote,

Dear Sir, There was no other expenses as we hade no lunch but as Mr. L A Oyen told me not to charge the money up if I draw some [???] the full amount was chargest to me in til u send in expenses to cover the a mount receided. Ther is about 16 drop clothes here in all

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<sup>103</sup> Hodges to Oyen, 01/23/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7.

<sup>104</sup> Oyen to Hodges, 01/26/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7.

<sup>105</sup> Hodges to Oyen, 02/03/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7.

good and bade. When you send man for Ellendale dont send Anderson he talkes mutch and that i sent [“isn’t”] all ways good. I hope that Mr. Forseth will go with to Ellendale as they want rely nessary for him to stay here as Schelby is a good liner now and the way the work is advanced. Yours truly BM Selund.<sup>106</sup>

On February 5, 1912, Dickey County Commissioner Charles S. Brown sent a letter to Oyen that first articulated what the commission desired for mural paintings in the rotunda. Brown’s ideas express and reflect the sensory perception of the historical changes in the northern plains landscape, from when native grasses supported the bison, and when Native Americans existed in the landscape prior to the arrival of settler colonists. Brown wrote,

Dear Sir, The county board has requested me to prepare the copy for the paintings to go into the dome of our courthouse... I have about decided to have a picture of the indians and the buffaloes for the first one. We will let you use your judgement in regard to this but as we are quite near LaMoure would like it to be different from theirs.

Following this, Brown continued the sense of place march through history. Brown said, The second picture is to represent the fight between the U.S. troops and the indians on White Stone battlefield which is in this county. We would like this as nearly historical as we can get it so I have to hunt up photos showing the character of the land.

As Rozum notes in *Grasslands Grown*, the “concept of intellectually carving up the continent into cultural geographic regions” characterized settler colonizing efforts.<sup>107</sup> The Dickey County commissioners also charged Oyen with illustrating the narrative of the settler colonizing revolution arriving to what they perceived as “untouched” or undisturbed prairie. In the sequence of illustrations, the viewer would see how the prairie went from undisturbed to a place of agricultural

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<sup>106</sup> Selund to Oyen, 02/03/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7.

<sup>107</sup> Rozum, *Grasslands Grown*. (2022), 13.

production. Sully's action at Whitestone Hill indicated to viewers that there were consequences associated with this transition.<sup>108</sup> Brown wanted the precise landscape to be exclusive, unlike any other landscape. In his continued reply to Oyen, Brown said,

My idea would be to have the large white stone which gave the field its name in the foreground [sic] with the commanding officer and his staff standing near it and down in the distance beside a little lake the fight going on between the troops and indians. I think this could be made a very pretty picture and one that would be greatly appreciated by our people.

Brown then prefaced the march of history with a third idea for a third mural, to reflect the memory of the avant guard of settlers and settlements in the landscape. Brown said,

The third picture would be the first farm with the sod shanty and the fourth the modern farm. The fourth picture int [sic] eh LaMoure couthouse is just what I had planned on and as they already have it I will have to get a different arrangement. Would like to have the cattle drinking out of the James river with a cornfield and a modern set of farm buildings in the distance. We want this representative and not the picture of any one place. Will you submit pencil sketches for our approval when we finally decide what we want. Yours truly,  
Chas S. Brown [hand signed]<sup>109</sup>

Oyen's reply affirmed every idea Brown had with the exception of the whitestone mural. Of the scene of war, Oyen raised a concern deliberated by professionally trained artists. Oyen balanced this concern with also listening to and executing the desires of the Dickey County Commission, as the commission was paying for the proposed mural. In Oyen's February 6, 1912 reply to Commissioner Brown, he wrote,

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<sup>108</sup> Leo Marx, *The Machine in the Garden: Technology and the Pastoral Ideal in America* (Oxford University Press, 1964, 2000).

<sup>109</sup> Brown to Oyen, 02/05/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, "1912 Ellendale, ND Dickey County Courthouse" Box 25, Folder 7.

Dear Sir, Your favor of Feb. 5 at hand, and contents noted, as to the subjects desired for Mural Paintings in the dome of the Court House at Ellendale.

In regard to the subject that you mention "The Buffalo Hunt,[]" we can give you an entirely different composition than the one at La Moure.

In regard to the second picture you state, that you would like to have something to represent a fight between the U.S. troops and the Indians on White Stone Battle Field. With this subject I beg to offer the following suggestions. That it will be a splendid idea to depict the place and vicinity where this took place, featuring a large White Stone that could be worked up in a manner that will be decorative and a composition in perfect accord with the other subjects.

Oyen then moved to the philosophy of decorating courthouses with images that convey ideals of justice, truth and liberty rather than perspectives of the September 4, 1863 actions at Whitestone Hill. Oyen said,

Now, Mr. Brown, I don[']t want you to misunderstand me as the subjects and views that I suggest are done not only from a decorative standpoint but also to enlighten you where pictures of this nature are placed in other buildings, as an illustration in the St. Paul capitol, where there are Mural paintings placed throughout the building.

Speaking of Carl Ludwid Boeckmann's 1910 painting of the July 1864 actions at Killdeer Mountain in "The 8<sup>th</sup> Minn. Infantry (Mounted) in the Battle of 'Ta-Ha-Kouty" that hung in the Minnesota State Capitol, Oyen continued, saying,

The only picture that they have there of a Battle Scene, is in the Governors Reception room and this picture is framed [the] same as any other Oil painting, so you see a subject of this nature ought to be done in such a manner that it can be framed and hung on the wall, instead of being in a place where there should be something more of an uplift and

enlightening nature and in the latter years, it has been the idea and suggestions of our for[e]most authorities to eliminate in Mural work, Bloodshed and Strife as much as possible.<sup>110</sup> (Appendix: Figure 13)

Oyen was drawing on the training he learned in the Beaux Arts philosophy and tradition.

Oyen contextualized his remarks by referring to other locations of Civil War battles between Union and Confederate forces. Oyen said,

Another that I might refer to, where this is pretty well depicted, is in our Geographies, illustrations are shown of these places such as ‘The Battle of Bull Run’ [1889] ‘Chicamouga’ [Chickamauga] and ‘Lookout Mountains’ [Battlefield, 1874] and others where there [are] beautiful fields, Good farm houses, showing signs of Prosperity, and the whole setting depicting a picture of Peace and prosperity and really eliminating what had transpired on it in years gone by.

In his correspondence, if Oyen was alluding to the 1889 lithograph *The Battle of Lookout Mountain* by Kurz and Allison, or the 1874 *The Battle of Lookout Mountain* oil painting by James Walker, it would be curious. The 1889 lithograph and 1874 oil painting both depict scenes of strife and warfare in the forefront and the distance.<sup>111</sup> Nonetheless, Oyen’s following statements have him anticipating the timelessness of controversy that comes with battle scene paintings. Controversy came in the form of intricate arguments of who was where during the battle. And of the justification of the action itself. Oyen said,

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<sup>110</sup> Carl Ludwig Boeckmann, “The 8<sup>th</sup> Minn. Infantry (Mounted) in the Battle of Ta-Ha-Kouty.” (1910) Minnesota Historical Society, #AV1990.32.34, St. Paul, Minnesota, <http://collections.mnhs.org/cms/display.php?irn=10331697>.

<sup>111</sup> National Park Service, “The Walker Painting” brochure, Chickamauga and Chattanooga National Military Park, United States Department of the Interior. <http://npshistory.com/brochures/chch/walker-painting.pdf>



I may be saying a little more than I should on this subject but I don't think that you or we wouldn't want to do any thing that is going to be subject to considerable criticism, so as I have stated in the first part of this, it would be the most appropriate if we could work in a Landscape, featuring the White Stone eliminating the Horrers [sic] of Battle and Bloodshed.

The third suggested mural painting would remember how the first settlers used the native grasslands to build their first dwellings. Oyen continued.

Third picture, with the first farm and Sod shanty, would work out very nicely. This subject we would expect you to send us a photograph of, if you have it, otherwise you can possibly send a photograph of the farm or place where it stood and we can make up the balance.

The fourth image would bring the viewer into 1910s rural modernity, the settler children's homestead turned into a producing farm. Of this, Oyen said,

The fourth picture which as I understand, you want a typical, modern North Dakota Farm, bordering on the James River, this we can change the composition of, so that it will not conflict with the subject in the La Moure County Court House.

Hoping that you will give the suggestions that I have made your careful consideration, and soon as you can send us some of the photographs required, we will then submit a pencil sketch for your approval, and I can assure you that we will endeavor to carry out your suggestions and give you as High a class of work as we have done in the other Court Houses in your territory.

Yours very truly, Dic [dictated by]: O.J.O. [Odin J. Oyen]<sup>112</sup>

It is possible and likely that Commissioner Brown brought Oyen's concerns to the Dickey County Commission for deliberation and consideration. Two weeks after Oyen sent the February 6

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<sup>112</sup> Oyen to Brown, 02/06/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, "1912 Ellendale, ND Dickey County Courthouse" Box 25, Folder 7.

letter with theoretical and technical recommendations, Oyen still had yet to hear back from Commissioner Brown. On February 20, Oyen sent another short letter to Commissioner Brown.

Oyen wrote,

Dear Sir:- Will you try and send us as soon as possible any photographs and further suggestions that you have to make in regard to the Mural paintings for [the] Dome in Court House at Ellendale, as we are ready to start on them. We will go ahead with the 'Buffalo Hunt' and soon as I hear from you will go ahead with the others. Yours very truly, Dic:  
O.J.O.<sup>113</sup>

On February 23, 1912, Commissioner Brown replied. Brown's letter to Oyen read,

Dear Sir, Under separate cover I am sending you a photo of a sod shanty and a sod barn both of which were in this county in early days and which you can use as a model for the painting of the first settlement. You need not show the persons or vehicles unless you want to.

Again, Commissioner Brown advanced the memory of turning the first prairie over with the power and tools of the settler colonizer, even hinting at the smell of soil it produced. Brown continued, saying,

I like the idea of showing the early settler turning over the sod with a yoke of oxen. It would not be out of the way to show hills in the background as we have a range at each end of this county and there are also quite a number of small lakes so you can use your judgement [sic] in working these in. I have no doubt but that whatever you may design will be satisfactory

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<sup>113</sup> Oyen to Brown, 02/20/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, "1912 Ellendale, ND Dickey County Courthouse" Box 25, Folder 7.

but if you first sketch this in pencil we would be glad to see the sketch. I will have the copy for the other two pictures very soon. Yours truly, Chs. S. Brown [hand signed]”<sup>114</sup>

The next day Oyen responded to Commissioner Brown, and also requested a “lead pencil sketch” and copies “for the other two pictures [as] soon as possible.”<sup>115</sup> Oyen sent another letter on February 26, asking Commissioner Brown to “please find Pencil Sketch for Mural Painting, depicting, Sod house and Sod barn and we trust the same will meet with your approval.” Oyen asked Commissioner Brown to “Please return sketch at once as our artist is working on the ‘Buffalo Hunt’ painting and will be ready for this in a very short time.” He concluded with the final sentence, “Also please hurry along, copies for the other two Mural Paintings,” as the painter Selund was on the project site, making progress.

As a contracting firm Oyen’s livelihood and his ability to cover expenses depended on the efficient production of public murals. With his staff on site, money was being spent. Whether or not the Dickey County Commission wanted part of the mural to depict bloodshed and war, Oyen had to pay his foreman and staff on site, even if the foreman and staff were not painting.

The next day, on February 26, 1912, Commissioner Brown sent a letter of decision regarding the mural painting of Whitestone Hill. Commissioner Brown wrote,

Dear Sir: -- Everybody that I have talked with thinks that the Whitestone battle should be one of our series and we would like very much for you to try what you can make out of it. I enclose the only picture that I can find of the field showing the stone which gave it its name.

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<sup>114</sup> Brown to Oyen, 02/23/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7.

<sup>115</sup> Oyen to Brown, 02/24/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7.

This specific attention to the unique geological boulder that was Whitestone was a way Brown and others differentiated the authenticity of “their” landscape from others. Continuing in the reply letter, Commissioner Brown said,

In the distance you can see the end of the little lake covering about 10 acres. The indians [sic] were encamped on the shore of this lake when discovered by the U.S. troops who had been persuing [sic] them. The troops surrounded the lake and fired into the village from the hills. In this photo the country looks almost level but the hills rise quite abruptly around the lake.

While Commissioner Brown was interested in the actions of Brigadier General Sully, he continued to return to the importance of painting and amplifying the Whitestone boulder. While the human actions of September 4, 1863 were momentary, Brown intimated the Whitestone boulder was, or would be, a timeless component of the landscape. In this line of thining, Brown continued,

My idea was to show the stone. It would do no harm to show it larger than the photos show. Near the stone would be a few U.S. officers, then the 63ndian [sic] village on the shore of the lake and the smoke from the U.S. rifles showing from the hills surrounding the lake with a few soldiers showing here an there. The village was a good sized one containing I think about 1000 indians. I do not know how many troops were engaged.

Brown then added a modifier based on Oyen’s suggestions. Brown said,

I believe this could be worked up without bringing out much of the horrors of the battle and it would please the people of the west part of the county very much. Yours very truly,

Charles S. Brown [personally signed]<sup>116</sup>

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<sup>116</sup> Brown to Oyen, 02/26/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7.

The concept for the mural painting was finalized with this letter. On March 1, 1912, Oyen sent a letter to Brown:

Dear Sir, Your letter of Feb. 26 and 29 at hand. We have made up a very good composition of White Stone Battle showing a few of the United States Officers on Horse Back, and the White Stone in the foreground, and the balance of the Composition according to your descriptive in your letter of the 26<sup>th</sup>. I think it will be an agreeable surprise to all of you when finished.

In your last letter you state that you will send Photos for the modern Farm... as you did not want it representational of any one place, so we have embodied in the painting a Typical North Dakota farm with the Cattle drinking out of James River, and a cornfield, and is of such a composition that it does not conflict in any way with the one at La Moure.

Trusting this will be satisfactory, Yours very truly, Dictated: O.J.O.<sup>117</sup>

After this exchange, work proceeded, and Oyen and Borre Selund began a correspondence. Borre would update Oyen on the day-to-day work proceeding in the Dickey County Courthouse, and Oyen would provide logistical support with supplies from La Crosse, Wisconsin. The day-to-day specifics reflect how technical Oyen and his decorating firm would get with the details of a project.

On March 7, 1912, Oyen asked Selund to send “the dimension of the Chair Rail that is needed for the Court Room.” Oyen wrote,

We figured on using a Five [5] inch Chair Rail, but if you think this is too wide, let us know about what width we should send. You will notice in the width of the casings, if it should run even with the width of the Stool, there would be considerable cutting to do, and we want to overcome this if possible.

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<sup>117</sup> Oyen to Brown, 03/01/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, “1912 Ellendale, ND Dickey County Courthouse” Box 25, Folder 7.

Oyen emphasized to Selund, though, that even upon Oyen's recommendations, Selund "had better use your own judgment about this and sund us the width you think best to use and also the number of feet of Chair Rail needed."<sup>118</sup> Oyen shipped the chair rail on the C.M. & St. Paul Railroad on March 16, 1912, from La Crosse to Ellendale.

On March 11, Oyen sent another letter to Selund, recalling the "case of Old Style Lager" he shipped on January 29 to Dickey County Commissioner Hodges. Oyen asked Selund to return the case of bottles if it was empty to the Heileman Brewing Company.<sup>119</sup> Creating places through illustrative painting also benefitted from gifts and gestures.

Selund sent Oyen the first detailed work update on March 23, 1912. This grammar, again, communicates the accent of the authors. Comments from the Dickey County Auditor also reflected the Social Darwinian racism of the day as reflected by the racial slur documented in Selund's letter. The full update from Selund to Oyen read,

Work done this week second coated court room walls and stairway leading down to first story and pasage second coated ceiling and walls in one sell room and the finishing coat on ceilings and walls in all 4 rooms in jail part second coated and floted ceilings and walls in ground floor corredor and stairways to first floor floted 2 ceilings in first floor corredor second coated all stucco cornishes and artches in rotunda. The Auditor and a gang with him come her last Friday after noon and ask me what the reson we dont decorat the offices on second floor and I told him the was not to be decorated and he sad we ccrudent play a nigger in the fense...<sup>120</sup>

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<sup>118</sup> Oyen to Selund, 03/07/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, "1912 Ellendale, ND Dickey County Courthouse" Box 25, Folder 7.

<sup>119</sup> Oyen to Selund, 03/11/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, "1912 Ellendale, ND Dickey County Courthouse" Box 25, Folder 7.

<sup>120</sup> Selund to Oyen, 03/23/1912, University of Wisconsin-La Crosse, Odin J. Oyen Papers, "1912 Ellendale, ND Dickey County Courthouse" Box 25, Folder 7.

Selund's remarks, specifically the racist phrase, reflect one cultural aspect of the migration patterns that settled Oakes & Ellendale. Racism migrated with racists, and Civil War veterans – Union and Confederate – and their offspring could be promoters and purveyors of it. Racist ideas not only lingered, but they were also promoted by the highest public office in the land. Only three years after Oyen's firm painted the mural in the Dickey County courthouse, the 1915 film, *The Birth of a Nation*, originally called *The Clansman*, by D.W. Griffith, was screened inside the White House with President Woodrow Wilson in attendance.

In his reply, Oyen brought the technical specifics of the painting and the technical details of the contract back to Selund. Oyen replied to Selund, saying,

Dear Sir:-

Your letter of March 23 at hand. If there is anything further that comes up, regarding the decorating of the offices on the 2<sup>nd</sup> floor, you can refer to the Archt's specification, where it stipulates that the Decorators are to submit designs for decorations that they are to do in the various parts of the building, for the amount stipulated, so that it is plain enough in the specifications that we submitted along with the sketches, showing the decorations, that we were to do or equal to on the rooms we were to decorate, and you can also explain that they must take into consideration the number of paintings that we are putting in, which is more essential than a decoration on the offices.

Louis states that the School Supt. who is a lady and was amongst those that looked over the sketches, when he was there, seemed to favor him and in lieu of that it would be policy to do a little decoration on that office.

Enclosed find check for Expense \$10.00. Forseth, will undoubtedly be there in a few days or the latter part of the week.

Yours very truly, Dic: O.J.O.

Selund replied on April 6, 1912, detailing the specifics of the interior decorating, including the glaze and bronze, floating the coats of plaster, and locating where to paint the names of county commissioners. Selund said,

Work done this week sized and painted 2 vaults on ground floor sized and painted and some parts painted 2 vaults on first floor painted wainscoting 6 closets and 2 vaults on second floor floated ceiling and walls in grand stairway and walls in first floor corridors floted court room walls and stairway to first floor and passage floted farmers room ceiling and wall and got the out line stinsel on and have the wall stensel on in ground floor corredor have the court house sign painted 3 coats and had it sized for the gold but the 24 hour size was to day in 18 hours so we will have to do it onse morre we have the lines on court room ceiling and schillac on the bronze. Glased and bronzed stucco moulding on comes in rotunda. I am glade you dissided to decorat the offices an second floor the would never been satisfied with out it. It me now about the lettering on the doors in case the[y] want it done that I can send for the materials we want are we to put up all the nams of the commissioners in the vestibule that's what the says you agreed to. It was sent 2 cans with shellac here and no alcohol so I got some here.

Yours Truly

B.M. Selund

Four days later, Oyen responded on April 10, 1912:

Dear Selund:

Your letter of April 6<sup>th</sup> at hand. I infer that you had not received my letter in regards to the lettering and I suppose you got it the day after you wrote this.



Louis states that the names of the Commissioners are to go in the shield in the Vestibule and I think it would be well to put their names in one shield on the wall and put the monogram of the County in the shield on the opposite wall.

Enclosed find check for expense \$10.00 as requested.

Yours very truly,

Odin J. Oyen.

Oyen's correspondence between the Dickey County Commission and Borre Selund represent the tremendous needs and efforts in communications required between clients and technical staff. Oyen initially suggested to the Dickey County Commission that controversy would result from any mural scene depicting battle or bloodshed. The Dickey County Commission insisted the White Stone hill scene be a part of the mural, and that it would be well received. Emphasis of the painted scene, though, would be placed on the Whitestone boulder. The emphasis on the Whitestone boulder represented sense of place making at its core, a unique and particular place .

The lasting effects in the latter half of the second decade of the 21<sup>st</sup> century reflect the founding traditions within the Art Institute of Chicago. This includes the Beaux Arts architectural style that architects Beuchner and Orth used to design the courthouses in North Dakota. The murals also reflected the Dickey County commissioners' ideas of agrarian progress and social Darwinian beliefs. Even though Oyen urged the Dickey County commission to reconsider painting a battle scene with bloodshed, the commission pushed forward. Three years before Oyen painted the courthouse mural, North Dakota U.S. Congressman Thomas Marshall worked with the United States Secretary of War to install the granite Union bugler at Whitestone Hill.

#### CHAPTER 4: “THE FALL FROM PIONEER PERFECTION”<sup>121</sup>

In 1868, five years after General Alfred Sully and General Henry Sibley marched on the Oceti Sakowin in Dakota Territory, Patrick Edward Byrne was born in Ireland. Orphaned at an early age, Byrne emigrated to Bismarck, Dakota Territory in 1881. Byrne’s interaction with the northern plains landscape culminated in his master work of history, *Soldiers of the Plains*. Through this, Byrne was part of the settler colonizing group who came to terms with the northern plains through historical narrative. Published in 1926, deliberately fifty years after the Battle of Little Bighorn, Byrne used *Soldiers of the Plains* as a suggestive counter to the way settlers interpreted a particular historical event. *Soldiers of the Plains* represented a pivot, an interaction with the landscape, a reckoning by Byrne of the fall, or correction, from “victorious” pioneer perfection.

Patrick Edward Byrne, or P. E. Byrne, was born in the County of Roscommon, Ireland on February 9, 1868. His mother, Ann Quinn Byrne, died during his birth. His father, Patrick Byrne, died in 1874 from pneumonia. Orphaned at the age of six, Byrne received his education in a private boarding school in Dublin for seven years until he was thirteen years old. In the 1870s, one of P. E. Byrne’s sisters had emigrated from Ireland to the United States and taken up residence in the settler colonizing town of Bismarck, Dakota Territory. P.E. Byrne would soon follow.

In May 1881, P. E. Byrne departed Dublin, Ireland, and he arrived in Bismarck the next month in June. His arrival was five years after Custer and his command fell to the combined tribes at the Battle of Little Bighorn, and 18 years after generals Sibley and Sully prosecuted a pincer movement war against the Oceti Sakowin in northern Dakota Territory. The *Bismarck Tribune*, in his 1935 obituary, reported that Byrne arrived in Bismarck “when the tragedy of the Little Big Horn...

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<sup>121</sup> The phrase “the fall from pioneer perfection” is from Ronald Weber, *The Midwestern Ascendancy in American Writing*. (Bloomington, Indiana: Indiana University Press, 1992), p. 7.

still was fresh in the minds of frontiersmen.”<sup>122</sup> From his arrival in 1881 and on, Byrne “avidly picked up from the soldiers, pioneers and Indians with whom he came into contact all that he could on the facts behind the destruction of Gen. George A. Custer and his immediate command.” The *Bismarck Tribune* went on, also noting that Byrne’s “sense of justice early told him that there was a... woeful lack of information as to the red men’s side” from the battle. Byrne, therefore, “made it a duty to learn what he could of the Indian’s story.”<sup>123</sup> In addition to his professional life’s work, Byrne dedicated himself to understanding how settler colonizers were able to arrive to the northern plains following in the wake of military actions that spearheaded the way for the arrival of the Northern Pacific Railroad.

On Christmas Eve of 1881, P. E. Byrne’s sister died, and she was buried in St. Mary’s Cemetery, Bismarck. P. E. Byrne, then in his early teens, relocated to Lanesboro, Minnesota, to live with his uncle, Monsignor James Coyne, until November 1882 when he returned to Bismarck to begin high school. Three years later in 1885 Byrne graduated high school, and he began work for the Dakota Territorial government in Bismarck as a secretary. Byrne and Belle Dietrich eventually met and married in Chicago on June 19, 1897.<sup>124</sup> As the *Bismarck Tribune* obituary continued, Belle Dietrich was the daughter of the “late Mr. Dietrich... Bismarck’s first permanent resident.”<sup>125</sup>

In the *Bismarck Tribune*’s December 9, 1935, front-page obituary for P.E. Byrne, the tribune referred to Byrne as a “remarkable penman.” Upon starting work with the secretary of state office of the territorial government in 1885, his “services soon were in wide demand in the various offices of the territorial capitol when outstanding bits of chirography were required... typewriters being few

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<sup>122</sup> “P. E. Byrne, Bismarck Resident for 54 Years, Dies: Death Comes after Lingering Illness and Long Suffering,” *Bismarck Tribune*, December 9, 1935, pages 1-2.

<sup>123</sup> Ibid, 1-2.

<sup>124</sup> Barb Hjelle, “Pioneer Daughter Has Gay Memories: Mrs. Byrne Says Dad Rowed Up the River” *Bismarck Tribune*, July 29, 1972, page 1.

<sup>125</sup> “P. E. Byrne, Bismarck Resident for 54 Years, Dies: Death Comes after Lingering Illness and Long Suffering,” *Bismarck Tribune*, December 9, 1935, pages 1-2.

and far between.”<sup>126</sup> Byrne worked in Bismarck through statehood in 1889, and in 1898 he took a position with a bank in Grand Forks. In 1900 he visited Ireland and continental Europe for a period of six months. He then returned to Bismarck to take up work at the Bismarck Bank from 1900 to 1910.<sup>127</sup>

In 1900 Byrne also started a land title abstracting business, something he would have gained familiarity with working early on with the territorial government. Two years later, in 1902, he formed the Growlers Club, what the *Bismarck Tribune* referred to as “an organization of young Bismarck business and professional men who took a prominent part in the social affairs of the Capital City in the early days.” Byrne founded the club with Burt Finney, Dr. E. F. Quain, Dr. N. O. Ramstad, Dr. V. J. LaRose, and William O’Hara. Dissolution of this early young professional organization took place in September 1935. Byrne also helped charter the Kiwanis Club of Bismarck.<sup>128</sup>

In 1913 Byrne sold the Burleigh County Abstract Company to G. W. Coates and William V. Keibert. That same year he became register of the United States Land Office in Bismarck, and he founded the Byrne insurance agency, what later became the Bain Insurance Agency in Bismarck. Prior to that Byrne held elected office in the City of Bismarck as city treasurer.<sup>129</sup> Other positions held toward the end of his life, as reported on August 3, 1933, in the *Bismarck Tribune*, included being appointed manager of the Southwestern North Dakota Home Owners’ Loan Corporation located on the second floor of the Federal building in Bismarck.<sup>130</sup>

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<sup>126</sup> “P. E. Byrne, Bismarck Resident for 54 Years, Dies: Death Comes after Lingering Illness and Long Suffering,” *The Bismarck Tribune*, December 9, 1935, pages 1-2.

<sup>127</sup> *Ibid*, 1-2.

<sup>128</sup> *Ibid*, 1-2.

<sup>129</sup> “P. E. Byrne, Bismarck Resident for 54 Years, Dies: Death Comes after Lingering Illness and Long Suffering,” *Bismarck Tribune*, December 9, 1935, pages 1-2; “W. H. Webb for Mayor and P. E. Byrne Re-Elected City Treasurer.” *Bismarck Daily Tribune*, April 3, 1905, page 1.

<sup>130</sup> “Home Loan Office in Federal Building to Be Established: P. E. Byrne to Have Three Office Assistants; Other Officials Named.” *Bismarck Tribune*, August 3, 1933, page 3.

On January 1, 1907, North Dakota Governor John Burke hired Byrne as a personal secretary. In Grand Forks, North Dakota, in the newspaper *Evening Times*, a small story center-right of the front page for January 11, 1907 read, “Burke’s Private Secretary: Bismarck, N. D., Jan. 11 – Governor Burke has appointed Patrick E. Byrne of Bismarck his private secretary.” Also of Irish ancestry, Burke served as governor from 1907-1913. In 1913 United States President Woodrow Wilson appointed Burke as Secretary of the Treasury of the United States. Burke served this position until 1921, and three years later served as a justice of the North Dakota Supreme Court from 1924 until his death on May 14, 1937, approximately one and a half years after the passing of Byrne.<sup>131</sup>

Byrne’s interaction with the northern plains landscape and its inhabitants imparted a particular sense, his own sense, of a narrative that had existed among the dominant narratives. Byrne created alternative historical narratives that departed from an Anglo-American narrative of white conquest. His narrative related to the landscape and the growing urban world of Bismarck, which was just across the Missouri River from historic Fort Abraham Lincoln, the fort where Custer departed in May 1876 for the Battle of Little Bighorn. The dominant Little Bighorn narratives focused on disputes between the Union field commanders, and what they did right or wrong.<sup>132</sup> Yet through studying Byrne, and his papers, it becomes clear that the dominant Little Bighorn narrative of the 1920s was not, in fact, so dominant. Byrne understood there was a completely different context to understanding the battle, and he advanced what he believed to be the northern plains Native American perception of the Battle of Little Bighorn.

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<sup>131</sup> “P. E. Byrne, Bismarck Resident for 54 Years, Dies: Death Comes after Lingering Illness and Long Suffering,” *Bismarck Tribune*, December 9, 1935, pages 1-2; “Burke’s Private Secretary.” *Evening Times*. Grand Forks, North Dakota, January 11, 1907, page 1.

<sup>132</sup> From a world historical standpoint, the view of looking at what “white” commanders did wrong versus what the Oceti Sakowin did correct mimics the study by James Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict* (Auckland University Press; reissue edition, 2015).

In 1926, fifty years after Custer and his command fell at the Battle of Little Bighorn/Greasy Grass, Byrne's *Soldiers of the Plains* was published and dedicated "To the Indian Dead." Byrne's wife, Belle Dietrich, the daughter of Joseph Dietrich, "furnished voluminous information" to Byrne on the early history of the northern Plains tribes. This information would inform *Soldiers of the Plains*.<sup>133</sup> The *Bismarck Tribune* noted that Byrne's "sense of justice early told him that there was a plethora of evidence to back up the white men's side of the Indian troubles but a woeful lack of information as to the red men's side. Therefore," continued the *Tribune*, "he made it a duty to learn what he could of the Indian's story." Byrne's book caused such a stir with the friends of Custer that, in a 1972 *Bismarck Tribune* interview, Byrne's daughter, Roxie Belle Dietrich Byrne, said the first edition of *Soldiers of the Plains* "sold like hotcakes." In the second sentence, she said,

However, General Custer had some very wealthy relatives, and because it gave an uncomplimentary picture of him, they went to New York and bought the rights from the Putnam company. When my sons went to check on it they were told that the company had promised never to print more copies. That's because it was in favor of the Indians.<sup>134</sup>

The year it was published, in 1926, Byrne was fifty-eight years old. As of 1926, it had been forty-five years since Byrne arrived at thirteen years of age from Roscommon County, Ireland to Bismarck, Dakota Territory, in 1881. His residence in Bismarck was four blocks away from the city Custer Park, memorialized fifteen years prior in 1911. In addition to the memorials to Custer in Bismarck, regional memorialization was at Custer State Park in South Dakota. "Old Fort Lincoln" had been decommissioned thirty-five years prior in 1891. Wounded Knee took place the year prior,

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<sup>133</sup> "P. E. Byrne, Bismarck Resident for 54 Years, Dies: Death Comes after Lingering Illness and Long Suffering," *Bismarck Tribune*, December 9, 1935, pages 1-2.

<sup>134</sup> Barb Hjelle, "Pioneer Daughter Has Gay Memories: Mrs. Byrne Says Dad Rowed Up the River" *The Bismarck Tribune*, July 29, 1972, page 1.

with the Seventh Cavalry leading the charge. The landscapes of North Dakota and South Dakota swirled with competing narratives.<sup>135</sup>

Although a specific date is not mentioned, in his obituary the *Bismarck Tribune* reported that Byrne became inspired to write *Soldiers of the Plains* during a visit to the Standing Rock Sioux Tribe, attending a re-enactment of a “battle between soldiers stationed there and the resident Indians.” Byrne “heard a chief of the Sioux speak,” and impressed “by the oratorical ability... and his fairness to the whites,” he “determined one day to put in print the red man’s tale of the deals and double deals at the hands of the U.S. government.”<sup>136</sup>

After publication of *Soldiers of the Plains*, Byrne “came into [state] wide demand as a lecturer” at “various institutions of higher learning.” He “made numerous appearances before service clubs and other organizations” as well. The local chapter of Bismarck Rotary International forwarded Byrne’s work for nomination to become a part of the International Library that was organized in Buenos Aires, Argentina. Byrne also became a board member of the State Historical Society of North Dakota.<sup>137</sup>

Although a member of the Democratic Party his entire life, Byrne was a close friend of the Republican “North Dakota political chieftain Alexander McKenzie.” Byrne and McKenzie “carried on bitter and acrid debates over political matters,” with “both men attempting over a period of 40

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<sup>135</sup> David W. Grua, *Surviving Wounded Knee: The Lakotas and the Politics of Memory* (Oxford University Press, 2016). Aaron Barth. Review of Grua, David W., *Surviving Wounded Knee: The Lakotas and the Politics of Memory*. H-War, H-Net Reviews. December, 2016. URL: <http://www.h-net.org/reviews/showrev.php?id=46673>

<sup>136</sup> “P. E. Byrne, Bismarck Resident for 54 Years, Dies: Death Comes after Lingering Illness and Long Suffering,” *The Bismarck Tribune*, December 9, 1935, pages 1-2.

<sup>137</sup> “Ibid, 1-2.

years to swerve the other's allegiance to his respective political party."<sup>138</sup> Neither proved successful in changing the mind of the other.<sup>139</sup>

Published in 1926 by Minton, Balch & Company (the J.J. Little, Putnam and Ives Company, an imprint of Penguin Books) of New York City, *Soldiers of the Plains* contains a total of 22 chapters of what Byrne collected through traditional historical documentation and oral history interviews with Natives and non-Natives for over forty years in and around North Dakota's capital city of Bismarck. *Soldiers of the Plains* was Byrne's attempt to gather oral histories and written documents he had collected while on the northern plains, and get it into a single place in a printed and bound book.

Fifty years after the Little Bighorn, competing narratives of remembrance swirled across the nation and the northern plains. Contests for how and why to remember the Battle of Little Bighorn, and Custer, persisted in art, sculpture, literature and, in the case of Byrne, historical narrative. Locally in Bismarck, the remembrance of Custer had taken the form of the "Custer Park" namesake of the City of Bismarck's first official park. Across the Missouri River, Fort Abraham Lincoln had been deeded by President Theodore Roosevelt to the State of North Dakota as a State Park, another site of remembrance for Custer and the U.S. Oceti Sakowin Wars. Byrne's *Soldiers of the Plains* serves as a window into larger debates over how the wars should be remembered.

Byrne dedicated the book to, in his words, the "Indian Dead." In the forward, Byrne said, "such knowledge as we have respecting Indian war ventures... comes not from the Indian but from sources having no interest in presenting the Indian point of view – from official government reports and from stories of men actively engaged with those opposed to the red man." Byrne said that as a result, "almost all reports of Indian warfare were unfavorable to the Indian." The reports

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<sup>138</sup> "P. E. Byrne, Bismarck Resident for 54 Years, Dies: Death Comes after Lingering Illness and Long Suffering," *The Bismarck Tribune*, December 9, 1935, pages 1-2.

<sup>139</sup> *Ibid*, 1-2.



misrepresented the northern plains tribe's "reasons for war," and "his victories discounted; his acts of heroism, if mentioned at all, carefully flattened out to the level of commonplace."<sup>140</sup>

Fifty years after 1876, Byrne said "there is nothing in our military annals to match the desperate fight of Crazy Horse at the Powder River in March 1876." The white historians, said Byrne, declared the Battle of Powder River an action where "the Indians were defeated and put to rout!"<sup>141</sup> This was not the reality, though. Similarly, the

retreat of Joseph's Nez Percés from the western border of Idaho to the northern line of Montana... has been allowed to pass on to forgetfulness merely because the Indian was unequal to the task of setting down the record of his own achievements. He had to leave it to others – to others of alien race and sympathies, and they were not interested in perpetuating the glory of the red man.<sup>142</sup>

With *Soldiers of the Plains*, Byrne sought to say a word for the red man; to present his side fairly and with sympathetic understanding; to discuss frankly his experience in treaty negotiation; to draw attention to some of his remarkable military exploits; and to touch upon his high qualities as a factor in civilized life.<sup>143</sup>

The year 1926 marked 50 years after the Battle of the Little Bighorn, and 36 years after the massacre at Wounded Knee – also involving the Seventh Cavalry under command of Colonel Forsyth. Byrne's first chapter opens with "The Land of the Sioux," and unpacks the physiography of the landscape and how it is interconnected through watersheds and rivers, including the Rosebud, the Big Horn, Yellowstone, Tongue and Powder. "These streams are intimately associated with the

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<sup>140</sup> Patrick E. Byrne, *Soldiers of the Plains* (New York, New York: Minto, Balch & Company, 1926), ix.

<sup>141</sup> *Ibid*, x.

<sup>142</sup> *Ibid*, x.

<sup>143</sup> *Ibid*, x.

story of the Indian wars during the period 1866-1877.” The boundaries of this “heart of the Indian hunter” were marked by the “Yellowstone River on the north; the Missouri on the east; the North Platte on the south; and the Big Horn Mountains on the west.” Byrne’s opening descriptions demonstrate how he perceived the grasses and waters of the northern prairies and plains as belonging to the Oceti Sakowin. The Oceti Sakowin’s “hunting preserve... [was] the finest on the continent.”<sup>144</sup> From the time Byrne arrived to Bismarck in 1881, to the 1926 year of publication of *Soldiers of the Plains*, Byrne witnessed an industrial transformation of the northern plains landscape. Byrne’s description exposed readers to the landscape that was, the landscape prior to the post-1881 industrialization of the northern plains. He pointed to the landscape as being a place that afforded a culture of economy to northern plains tribes.

Byrne grounded his narrative by referencing a settler colonizer from a generation prior. Byrne’s father-in-law “Mr. Dietrich has lived in Bismarck and its vicinity since 1869,” and “knew General Custer and many of the Seventh Cavalry, very well.” In 1871 and 1872, Dietrich and Charley Reynolds were roommates, providing “game for the military posts along the river, and for the steamboats passing up and down the Missouri” River in the early 1870s. Dietrich desired to join General Custer and his command in May of 1876, “but Reynolds, believing the risk too great, prevailed upon his young friend to forego the trip.”<sup>145</sup> Byrne pointed readers directly to one of his sources, the notes from Dietrich that informed his book.

Anticipating the critical massing of warriors of the combined tribes, Bloody Knife, the Arikara scout, warned Custer. “Half Yellow Face... and Mitch Bouyer gave similar warnings.” They told Custer “he would find enough Sioux to keep the command fighting for two or three days,” and he would “encounter more Indians in the valley of the Little Big Horn than he could handle with his

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<sup>144</sup> Byrne, *Soldiers of the Plains* (1926), 3-4. See Molly Rozum, Chapter 3, “Sensing Prairies and Plains: Grasses, Grains, Waters, Woods, Rocks, and Snow” in *Grasslands Grown*, 93-94.

<sup>145</sup> Byrne, *Soldiers of the Plains* (1926), 86.

command.”<sup>146</sup> Custer, continued Byrne, “was obsessed with the idea that the hostiles could not exceed 1,000 to 1,500 in number.” From Custer’s perspective, he could not lose. He had precedent to believe this. Eight years prior at the Washita in 1868, Custer “confronted a force of more than 2,000, mostly Cheyennes.” In 1873, he had “been in this country of the Yellowstone, meeting at that time the Indian’s armed opposition... and easily defeating him at every turn.” In 1874, Custer “trailed down through the Indian’s Forbidden Land into... the Black Hills, without the slightest show of resistance.”<sup>147</sup> Thus, said, Byrne, the “great risk of failure,” according to Custer, “lay not in the remote chance of defeat... but in the possibility of their escape before he could reach them.”<sup>148</sup>

Custer changed his line of march, knowing that with “a total of 555 men, all told, he was about to come to grips with 2,500 warriors.”<sup>149</sup> While professionally not trained as an historian, at least not through a graduate program, Byrne made ripples and waves with Dr. Orin G. Libby. The debates between Libby and Byrne could have resulted from numerous and unmentioned professional interests. For Libby, his issues with Byrne were legal: if Libby published what Byrne wanted to say in the state historical quarterly, Libby feared that Elizabeth Custer and the reputation maintainers of her late husband would sue the state, or the state institutions, for slander. Because of this, Libby censored Byrne. The narrative that led up to this interaction started four years after the 1926 publication of Byrne’s *Soldiers of the Plains*.

On January 25, 1930, Byrne wrote to Dr. Orin G. Libby at the University of North Dakota, Grand Forks. Byrne opened the letter to Libby by saying, “I have just run across your letter of December 11, 1928 acknowledging a clipping from the *Bismarck Tribune* announcing the death of our

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<sup>146</sup> Byrne, *Soldiers of the Plains* (1926), 88.

<sup>147</sup> Ibid, 88.

<sup>148</sup> Ibid, 88.

<sup>149</sup> Ibid, 89.

old humbug friend, Peter Thompson.”<sup>150</sup> As the December 5, 1928 *Bismarck Tribune* front page obituary headline read for Peter Thompson, “Last Custer Massacre Survivor Dies at Home.” Thompson originally hailed from Fifeshire, Scotland, born there on December 28, 1856. In 1875, at nineteen years old, he joined the United States Army. Byrne’s “humbug” attribution to Peter Thompson might have been alluding to remarks in Thompson’s obituary. “Although entitled to a government pension,” noted the *Tribune*, “Thompson at one time said that he ‘needed no assistance from the United States treasury.’”<sup>151</sup>

After this introduction, Byrne inquired about a matter. Byrne said, “You mention in that letter that ‘Professor Gottschalk of the Department of Organic Chemistry, Agricultural College, Fargo, is making a special study of the Battle of the Little Big Horn.’” Byrne wondered to Libby “if the Professor finished the study, and if he has put results on paper?” He added, “His [sur]name suggests German thoroughness, and I should like to see what he has to offer.” Byrne’s post script read, “Congratulations on Russell Reid as Supt of the State Historical Society. He is an earnest worker, competent and deserving.”<sup>152</sup>

As a board member of the State Historical Society of North Dakota, Byrne’s correspondence to Dr. Libby, the Secretary of the SHSND, would have been able to circulate among staff. Reid took note. On January 25, 1930, Reid wrote to Byrne, “Have just received a copy of the letter written to Dr. O. G. Libby, January 25, 1930, and note the very nice compliment you paid me. I appreciate these comments from my friends and sincerely hope that I may be deserving

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<sup>150</sup> Correspondence from Patrick Byrne to Orin G. Libby, January 25, 1930, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

<sup>151</sup> “Last Custer Massacre Survivor Dies at Home.” *Bismarck Tribune*, December 5, 1928, page 1.

<sup>152</sup> Correspondence from Patrick Byrne to Orin G. Libby, January 25, 1930, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

of them.”<sup>153</sup> Reid continued to keep Byrne informed of any research he came across as it pertained to the Battle of Little Bighorn, Crazy Horse, Sitting Bull, and historiography of the U.S. Indian Wars on the northern Plains.

On January 8, 1932, Reid sent Byrne a letter, “enclosing a copy of the letter [Reid] received from the Kansas Historical Society.” Within the letter, Reid noted that it “does not help us very much in regard to the picture of Crazy Horse, but I think we are perfectly justified in calling it a fraud.” Reid also enclosed “a clipping from the *Fargo Forum* of December 20, 1931,” from “Mrs. Williams” of Washburn, North Dakota. This December 1931 clipping got Reid’s attention, as he said “I really believe someone ought to answer this and that you are the proper one.” Reid expressed frustration to Byrne, noting that it “does not seem fair to have articles of this kind appear in print slandering Sitting Bull.”<sup>154</sup> Byrne responded with intensity to the *Fargo Forum*. His full correspondence read,

To the [Fargo] *Forum*:

A friend has sent me a copy of *The Forum* – issue of December 20, 1931 – and calls attention to the contribution of Mrs. W. K. Williams of Washburn on the subject of the killing of Sitting Bull and to Red Tomahawk’s story said to have been told by him to your contributor a short time before his death.

This assertion of a kind of “death bed confession” that Williams asserted in her letter to the *Forum* irritated Byrne. He continued in his reply.

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<sup>153</sup> Correspondence from Patrick Byrne to Orin G. Libby, January 25, 1930, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder “Reid, Byrne, P.E., 1930-1933,” State Historical Society of North Dakota, Bismarck.

<sup>154</sup> Correspondence from Russell Reid to Patrick Byrne, January 8, 1932, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder “Reid, Byrne, P.E., 1930-1933,” State Historical Society of North Dakota, Bismarck.

Having some regard for the integrity of history, I protest against this sort of historical writing, and particularly to its acceptance and publication by the leading newspaper of the state. I refer to the general statements at the beginning of the article wherein Sitting Bull is held up to scorn as a coward, a bluff and a leader in massacre etc.

Between the gratuitous observations of the *Forum* by way of headlines and introductory comment, and the lead-up of the author, we are compelled to endure, once more, a re-hash of the same old slanders against one of the greatest Indians of his time.

At the time Byrne's reply was submitted to the *Fargo Forum*, it had been fifty-five years since the Battle of Little Bighorn, and forty-one years since Sitting Bull was shot and killed. Earlier that year, on August 8, 1931, the *Bismarck Tribune* ran a front page story on the death of Red Tomahawk. In that story, the *Bismarck Tribune* referred to the 1890 action of Colonel Forsyth at Wounded Knee as a "battle" rather than a massacre, and the *Tribune* noted that Sitting Bull was a "dreaded medicine man."<sup>155</sup> Byrne gave moral reprimand in the next paragraphs.

It seems to me that a sense of decency, to say nothing of a proper regard for our vaunted sense of fair play should induce a lay-off on the campaign of defamation against Sitting Bull. For it should be remembered that, as to the defenseless redman, it has been a wide open season since that bleak winter morning forty-one years ago [in December 1890] when, with the connivance of the U.S. government officials, he was murdered ruthlessly at his home on the Standing Rock Indian Reservation. And, as though bringing about his death were not enough, the hue and cry against the man – his name and reputation – has continued unabated.

Byrne recognized Sitting Bull as a person who embodied the landscape of the northern plains. For Byrne, to defame Sitting Bull was to also defame the northern plains. In *Soldiers of the*

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<sup>155</sup> "Red Tomahawk, Famous Sioux Indian, Is Dead" *Bismarck Tribune*, August 8, 1931, pages 1-2.

*Plains*, Byrne made reference to Sitting Bull as a young leader who “appeared upon the horizon” of the northern plains in the 1860s with other “younger and more warlike” than Red Cloud, such as Gall, Black Moon and Crazy Horse.<sup>156</sup>

Byrne’s reference to the horizon intimated his perception of the landscape of the northern plains, and how he saw Native American history as inextricably bound to that landscape. Byrne said he was tired or worn out by the repeated slanders against Sitting Bull. This included,

‘Sitting Bull the Coward.’ ‘Sitting Bull – Crafty Coward.’ ‘Sitting Bull the Fanatic.’ ‘Sitting Bull Crafty Medicine Man.’ These are some of the epithets handed out by *The Forum* editor in presenting the story of Mrs. Williams. And the lady adds a few of her own: Sitting Bull ‘a youth with more cunning than soldierly instinct.’ ‘A strange combination of fanatic and savage, in later years something of a bluff and a coward.’ And so on.

Byrne called for a halt on the decades of slander against Sitting Bull.

I insist that the statements of *The Forum* together with those of Mrs. Williams and the countless other contributors of the same kind of stuff are without warrant or justification. They are, I believe, rather a mischievous perversion of truth; a familiar phase of the ‘me-too’ campaign of misrepresentation that, for more than forty years, has been maintained against this victim of Indian treachery and white man’s savage injustices.

In the main chapter we are permitted to read the story of Red Tomahawk. So far as I have been able to discover, this man’s only claim to fame is that he fired the shot that blotted out the life of his brother tribesman, Sitting Bull. And because of that episode he has been exalted and glorified for forty years!

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<sup>156</sup> Byrne, *Soldiers of the Plains*, 14.

And he tells his own story. It is, I believe, the first time it has been published. No doubt it is correct. Stripped of all the glamour it reveals not the hero of the white man's delight, but rather – Red Tomahawk, Indian Renegade and Murderer.

He tells of breaking in the door of Sitting Bull's dwelling house, of dragging Sitting Bull, naked, from his bed while the latter's wife looked on; and of how he shot his victim, and how later, finding Sitting Bull's young son, Crow Foot, hiding beneath a mattress in the house, dragged the boy out, knocked him down and had him shot dead by two of his men.

Then, concludes Tomahawk, 'we threw him out of the house.' This refers to the murdered boy.

Such is the exploit for which this man has been heroized these forty years by the civilized white brother and – sister.

*The Forum* calls it 'An Epic of Indian Police Courage.' I call it a story of fiendish savagery directed by a renegade Sioux against the person and family of one of the greatest and worthiest men of their common race.

P. E. Byrne

Bismarck, North Dakota

January 19, 1932<sup>157</sup>

Regarding Red Tomahawk's status amongst his own culture, on February 18, 1932, Byrne inquired in a letter to Russell Reid whether it was "possible to ascertain the true status of the late Red Tomahawk in the matter of Indian chieftainship?" In this case, what Byrne perceived and what happened is a common dynamic amongst settler colonizers: positioning local indigenous populations

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<sup>157</sup> Correspondence from Patrick Byrne to *The Fargo Forum*, January 19, 1932, Historical Society Administration Superintendent's Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.



or individuals to act as proxies on behalf of settler colonizing policies. Within the non-Native world, Byrne said Red Tomahawk was “generally referred to as Chief Red Tomahawk,” but there “seems to be considerable doubt as to whether he ever was, in fact, a chief, and that the title as applied to him was merely by way of compliment – somewhat after the fashion of calling a private in the ranks ‘Captain’ or ‘Colonel,’ or a lawyer, just admitted, ‘Judge.’” Byrne informed Reid that he stood ready for any response, adding that “if it happens” that Red Tomahawk “was an accredited Chief, when was he made such, and by what authority?”<sup>158</sup> Eight days later Reid responded to Byrne on February 26, 1932. Reid said he wrote to the “superintendent of the Standing Rock Indian Agency in regard to” the status of “the late Red Tomahawk.” The superintendent said Red Tomahawk “was never called a chief on the Standing Rock Reservation nor was he the son of a chief.”<sup>159</sup> After this, Byrne’s correspondence ended, indicating he felt satisfied with the response.

Byrne remained active as a public scholar, having submitted a manuscript to the quarterly, *North Dakota History*. An editorial disagreement surfaced in May of 1932, and Libby sent Byrne a letter that month, on the 13<sup>th</sup>, notifying Byrne that they would be unable to publish Byrne’s article. Within, Libby said,

Dear Mr. Byrne: I have decided to return your manuscript and not print it in this number of the Quarterly. The number of changes you indicated in the galley and page proof is too many for our limited funds. The changes were first made in editing the copy. You did not approve of them and changed them back again. We do not care to give up the editorial

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<sup>158</sup> Correspondence from Patrick Byrne to Russell Reid, February 18, 1932, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

<sup>159</sup> Correspondence from Russell Reid to Patrick Byrne, February 26, 1932, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

privilege of making all manuscripts conform to a standard. It is of course the author's privilege, also, to insist upon a certain form.

Since we cannot agree, it is better not to waste time and money in adjustment. Should you care to waive the privilege of making the corrections you indicated in the page, we should be glad to set up the article as it appears in the galley. If we do not hear from you in a few days, we will omit your contribution.

Yours very truly, O.G. Libby<sup>160</sup>

Upon receiving this note from Libby, Byrne reached out to Luther E. Birdzell, Acting Chief Justice of the North Dakota Supreme Court.<sup>161</sup> Byrne's personal and professional connection with North Dakota Supreme Court Justice John Burke would have put Byrne in the same social sphere of the sitting justices and staffers of the entire North Dakota Supreme Court. Birdzell wrote to Libby and said, "I have just learned of some misunderstanding or disagreement regarding the form in which an article by Mr. Byrne is to appear in the [North Dakota Historical] quarterly." Birdzell asserted that he trusted "it will be possible to so adjust the difficulty that the article may appear in the April number." He then appealed to editorial standards, noting, "If, in order to do this, it is necessary to depart slightly from the usual editorial practice to gratify what might seem to be a whim of the author, may it not be well to do so?"<sup>162</sup>

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<sup>160</sup> Correspondence from Orin G. Libby to Patrick Byrne, May 13, 1932, Historical Society Administration Superintendent's Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

<sup>161</sup> June 21, 2019 correspondence between Curt Hanson and Aaron Barth. Hanson searched the Orin G. Libby correspondence from 1928 and 1932 and was unable to locate any incoming or outgoing letters to Patrick Byrne. Hanson, Head of the Elwyn B. Robinson Department of Special Collections, Chester Fritz Library, University of North Dakota.

<sup>162</sup> Correspondence from Luther E. Birdzell to Orin G. Libby, May 16, 1932, Historical Society Administration Superintendent's Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck; State of North Dakota Courts biography for Luther E. Birdzell, accessed on June 20, 2019: <https://www.ndcourts.gov/luther-e-birdzell>

Libby responded to Birdzell on May 17, and opened with, “Dear Judge Birdzell: I am surprised to hear from you since I had a letter from Byrne dated the 14<sup>th</sup> in which he said, ‘I leave the decision with you.’” Continuing, Libby explained his disappointment in the direction Byrne took, noting to Birdzell that “he [Byrne] appealed to you [Birdzell], which is not fair.” Libby then explained the process by which he made the editorial decision. Libby said,

I took him at his word and had the page proof of his article cut out and the rest run off as it stood. The whole matter was in the end one of expense to us. When I found out that he was sensitive and was making a fight for a certain form of words it was too late to change the galley and it went on into page proof. But when as a matter of information we sent him the page proof to make the change he would insist on, it ran up to about fifty lines of change and it was cheaper to throw out the article and wait till next time. I consulted a printer here as to the cost and that was the best we could see to do.<sup>163</sup>

Libby noted that the editorial board understood the writer, and Byrne’s, “copy is to be returned to the writer if any changes are to be made,” and that in the case of Byrne’s article, it set a precedent for the quarterly. “This is our first experience of the kind and we had to decide it largely on the basis of cost but not wholly so.” Libby concluded the letter, noting that he hoped “Mr. Byrne will see the point and submit his manuscript again later.”<sup>164</sup>

In Byrne’s exposition on the Custer Myth, he attached Oceti Sakowin stories to places in the landscape. Of Crazy Horse, Byrne said his “exploits at the Powder and Rosebud rivers in March and June of 1876... justify the high estimates of his military skill & leadership.” Byrne also recounted the

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<sup>163</sup> Correspondence from Orin G. Libby to Luther E. Birdzell, May 17, 1932, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

<sup>164</sup> Correspondence from Orin G. Libby to Luther E. Birdzell, May 17, 1932, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

1868 boundaries of the Oceti Sakowin in the sentences that followed, reminding readers in 1932 that the area west of the Missouri River, all territory in the present state of South Dakota, north of the North Platte River, and east of the summits of the Big Horn Mountains “should remain unceded Indian land, the Indian’s exclusive hunting domain.” What Byrne was saying, though this, is that the northern plains land and its original inhabitants were inextricably bound. Of the west Missouri River, northern plains landscape, Byrne said, as the boundaries were set down in 1868, “it’s use or [settler colonizing] occupancy by others, for any purpose whatsoever, was strictly forbidden,” and this boundary on the landscape had been violated.<sup>165</sup>

In the years following 1868, Byrne said of 1872 and 1873, the industrial railroad that was the Northern Pacific illegally punched its way across the landscape. In 1872 and 1873, “the Northern Pacific railroad surveyors, under military escort, traversed this hunting country of the Sioux.” At no time did agents of the Industrial railroad ask permission to trespass. “It does not appear that any attempt was made to obtain the permission of the Indian for these encroachments.”<sup>166</sup>

Byrne continued his organizing efforts, and on May 27 sent Russell Reid a mailing list to send the article that was returned for future publication. The mailing list included E.A. Brininstool of Los Angeles, California; George Bird Grinnell, of New York City; Doane Robinson, Director of the South Dakota State Historical Society in Pierre; Charles Eastman of North Hampton, Massachusetts; William Saver Woods, Editor of *The Literary Digest* in New York City; Dr. Melvin R. Gilmore, professor at University of Michigan, Ann Arbor; John G. Neihardt of Branson, Missouri; Judge Sveinbjorn Johnson of University of Illinois, Champaign; William Bigelow Neal of Garrison, North Dakota; Dr. E.P. Quain, physician in Bismarck, North Dakota; Dr. J.O. Arnson of Bismarck,

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<sup>165</sup> Patrick E. Byrne, “The Custer Myth” *North Dakota History*, Vol. VI, No. 3 (April 1932): 188-189.

<sup>166</sup> Patrick E. Byrne, “The Custer Myth” *North Dakota History*, Vol. VI, No. 3 (April 1932): 189.

North Dakota; Dr. Clyde Fischer; H.C. Fish; Ernest Thompson Seton; Clara Richards; and J.N. Roherty.<sup>167</sup>

On June 4 Byrne sent another letter to Reid, suggesting “two other persons to whom you might consider sending marked copies of the Quarterly, April-June number, to North Dakota U.S. Senator Lynn W. Frazier, Chairman Committee on Indian Affairs, and U.S. Representative Scott Leavitt, Chairman Committee on Indian Affairs.” Byrne noted, “Leavitt hails from Great Falls, Montana,” and was “instrumental in getting through an appropriation for something in the way of a marker or monument for the Bear Paw battlefield where [Chief] Joseph fought and surrendered.”<sup>168</sup> Byrne’s comment to Reid about the monument at the Bear Paw battlefield is of interest, as it reflects Byrne’s understanding of how history and memory are tied to landscapes and places.

Byrne followed up with an undated note to Reid, requesting “copies of the Quarterly containing the Custer Myth thing” sent to Captain R.R. Tourtillot of [New] Fort Lincoln, North Dakota; and Captain Frank S. Ross of Fort Leavenworth, Kansas. Byrne explained to Reid that Tourtillot “has evinced quite a lively interest in the Little Big Horn stuff,” and “Captain Ross brought” Tourtillot “in to my office a year or two ago, and we had quite a talk-fest on different phases of that battle.” Before Captain Ross was stationed at Fort Leavenworth, he was “for a number of years – or anyway for a long time, a military instructor at the Agricultural College, Fargo,” and he “has given much study to the Little Big Horn affair.” Byrne “recalled that he went to the mat with the Red Book people two or three years ago,” in 1929 and 1930, “when they published Frazier Hunt’s ridiculous article. Hunt’s article later was put into a book under the title, *Custer, the*

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<sup>167</sup> Correspondence from Patrick E. Byrne to Russell Reid, May 27, 1932, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

<sup>168</sup> Correspondence from Patrick E. Byrne to Russell Reid, June 4, 1932, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

*Last of the Cavaliers.*” Byrne closed his thoughts on Hunt’s biography of Custer, calling it “Awful stuff.”<sup>169</sup>

Byrne continued his letter-writing campaign along with enclosing copies of his article. One recipient of Byrne’s article was Earl Alonzo Brininstool (E.A. Brininstool), a cowboy poet with residence in Los Angeles. On June 10, 1932, Brininstool wrote a 2-page letter to the Secretary of the North Dakota Historical Society. Brininstool received a copy of the “April 1932 issue” of *North Dakota History* “containing Mr. Byrne’s brief account of the Custer fight.” Brininstool said he did not know if the article he received came from the State Historical Society of North Dakota, or from Mr. Byrne, “but in any event it was read with much interest.” Brininstool said he agreed with Byrne “fully as regards Custer, and his actions at the Little Big Horn fight.” Brininstool said the only narrative edit he wish Byrne included was to end the Little Big Horn narrative by saying, with underlining and capital spelling, “...and Custer got just what he should have got at the Washita massacre” for “that was the REAL ‘Custer massacre.’”<sup>170</sup>

A cowboy poet, by 1932 Brininstool had invested considerable time and energy into his studies and positions on the memory of the Battle of Little Bighorn. Brininstool said he disagreed with Byrne on at least one point that had to do with the weaponry the Native forces had during the Battle of Little Big Horn. “I can’t quote agree with Mr. Byrne however in the matter of the arms used by the Indians.” Brininstool gave a specific recounting of the weaponry of the Oceti Sakowin at the Battle of Little Bighorn:

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<sup>169</sup> Correspondence from Patrick E. Byrne to Russell Reid, June 4, 1932, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

<sup>170</sup> Correspondence from Earl Alonzo Brininstool to SHSND Secretary, June 10, 1932, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck. Earl Alonzo Brininstool’s papers are housed in the Dolph Briscoe Center for American History, the University of Texas at Austin.

We know that Custer was wiped out within one hour – some say half an hour, but it don't strike me as logical that they could have done this job so quickly if they had been deficient in armament, as Mr. Byrne implies. The only repeating arms in use in 1876 were the old Spencer carbine, (7-shot, 56 caliber rimfire); the Henry rifle of the middle '60's; using a 44 rimfire shell the later 1866 model Winchester, which the Winchester took over from the Henry people and made some improvements on, but which was also a 44 rimfire, with a brass receiver, but with the addition of a forearm (which the Henry lacked), and the Model 1873 Winchester, which was made in 38-40 and 44-40 centerfire. The Winchester Co. also brought out that same year their Model 1876 – or “Centennial Model” as it was known, using a variety of 45 caliber shells, but with much heavier powder charges. I doubt if this later rifle was on the market long enough at that time for any of these models to have been used at the Custer fight. Of course there were plenty of single-shot rifles on the market in 1876 – Sharps, Remingtons and others.<sup>171</sup>

Brininstool took testimony from Colonel Varnum who then was attached with Reno's forces at the Little Big Horn. Brininstool noted that Varnum, “in his testimony” during the court inquiry, the “Indians ‘rode along on the sides of the command pumping their Winchesters from across the pommels of their saddles.’ (those who rode saddles).” Brininstool also noted that, “bows and arrows would have been rather poor equipment for anything but mighty short range.” Brininstool brought up a few additional points, that Custer had a “positive desertion of Major Reno... after he had promised to support Reno with his five troops – and then went off over 4 miles down stream without even sending Reno word of such a dirty trick.” He also noted the fierce rivalry and hatred between Custer and Benteen, which is why Custer sent “Benteen off to the left” to get Benteen “out

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<sup>171</sup> Correspondence from Earl Alonzo Brininstool to SHSND Secretary, June 10, 1932, Historical Society Administration Superintendent's Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

of the fight completely and not let him have a finger in the pie at all.” All in all, Brininstool said “I liked” Byrne’s “article mighty well, even if we don’t quite agree on the guns-and-ammunition end of it.” Brininstool next said Byrne “sticks up for Reno and Benteen, and gives Custer just what he deserves – and that’s plenty!”<sup>172</sup>

On June 19, 1932, Byrne responded to Brininstool. Byrne said, Mr. Russell Reid, Superintendent of the ND Historical Society, has permitted me to see your letter of the 10<sup>th</sup> inst. Addressed to the Historical Society.

I was much interested in your comments on The Custer Myth.

As to the matter of Indian armament at the Little Big Horn, I note your observation to the effect that inasmuch as Custer was wiped out within an hour’s time, it must follow, logically, that the Indians were not deficient in armament.

Byrne again hints at how the natural landscape provided the Oceti Sakowin with resources to create a livelihood – bows, arrows, horses. The disruption to this way of life arrived by way of individual militaries and settlers by way of firearms. Byrne continued giving agency to the Oceti Sakowin. In the letter, he continued saying,

The Indians were not deficient in armament so far as the demands of the immediate clean-up of Custer were concerned, for it is conceded, of course, that the Indians had some arms and ammunition. My view is that the ammunition expended on Reno and Custer had left the Indian supply pretty well used up, and that that circumstance goes to explain the failure of the Indians to press their advantage to the limit.

The Oceti Sakowin, noted Byrne, could not count on steady supply of these industrial weapons. Byrne said,

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<sup>172</sup> Correspondence from Earl Alonzo Brininstool to SHSND Secretary, June 10, 1932, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.



Consider that the Indian source of supply was always an uncertain quantity. Unlike the whites, the Indians were not privileged to go in a body to an ammunition train or supply depot and get stocked up to the handle. The Indian supply depended upon what individual Indians could get in trade, or through capture or from enemy forces in battle. And what they were able to get in trade was definitely restricted, at least in the later period of warfare, for the selling of arms to the Indian had been placed under strict government ban. To a small extent the Indian may have augmented his supply by the use of crude methods of re-loading, using empty shells picked up here and there. But at best the Indian stock of ammunition was miserably small as compared with that of the whites.

Or, as Byrne noted, when the Oceti Sakowin did obtain industrial weapons and ammunition, the U.S. military targeted them. An example came

...at the Powder river, March 17, 1876, the reserve ammunition in the winter camp of Crazy Horse was destroyed in the burning up of the lodges. That, at the Rosebud, June 17, 1876, an all-day fight was carried on against the forces of Crook, and certainly that meant a heavy drain on the Indian ammunition supply.

Writing from Bismarck to Brininstool in Los Angeles, the two kept the landscapes of the Powder River and the Rosebud alive with remembrances of the summer of 1876. Byrne said,

When, therefore, the attack on the Indian village began on June 25 (at the Little Big Horn) the supply of ammunition in the Indian camp, undoubtedly, was at rather low ebb.<sup>173</sup>

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<sup>173</sup> Correspondence from Patrick E. Byrne to Earl Alonzo Brininstool, June 19, 1932, Historical Society Administration Superintendent's Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

Byrne said the Oceti had then “been reaching down deep into the ammunition bag,” having repulsed Custer’s subordinate officers of Reno and Benteen. The Oceti then went, in Byrne’s words, “to clean up the Custer contingent.” The Oceti’s ammunition stores were expended by then. Byrne intimated for the Oceti that the summer of 1876 was a pyrrhic victory: the Oceti won the battles that summer, but lost the larger military war.

Byrne continued his argument,

Taking account of these circumstances, therefore, I am convinced that when the Indians had driven Reno back and wiped out Custer their supply of ammunition had been reduced almost to the vanishing point.

Byrne went on at length in the remaining letter to Brininstool, delving into the minutia inherent in military study of incremental and chronological battlefield tactics. What he was communicating, though, more broadly, was that a people living within and from the landscape could for a short time hold off an invading military supplied by the mechanization of the industrial revolution.

Byrne signed the end of his letter,

With best wishes and appreciation, yours cordially, P. E. Byrne.<sup>174</sup>

The relationship established and cultivated with this correspondence inspired Brininstool. Two days later, on June 21, 1932, Brininstool sent the Secretary of the State Historical Society of North Dakota a request, asking that a “marked copy of your April issue with the Byrnes story of Custer” be sent to “Capt. R. C. Carter, Army & Navy Club, Washington [D.C.]” as he is “a most ARDENT Custer admirer, and maybe that article will open his eyes a little.” Brininstool added another request, asking that he not be identified as the individual who suggested the article be sent

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<sup>174</sup> Correspondence from Patrick E. Byrne to Earl Alonzo Brininstool, June 19, 1932, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

to Capt. Carter. “However, don’t say it was at my suggestion,” said Brininstool. “He [Capt. Carter] loves ME – not!”<sup>175</sup> The agitation continued between those seeking to understand the Oceti, and those seeking to defend and maintain the reputation of Custer.

On June 14, 1932, Thomas Bailey Marquis sent Byrne a letter. Marquis originally hailed from Missouri and spent his life in a constant search for new careers and professions. He fixated on the study of the Little Bighorn battle and moved to Hardin, Montana on the Crow Reservation near the Little Bighorn/Greasy Grass battle site. Marquis founded a museum in the area that was later absorbed by the National Park Service in the Little Bighorn Battlefield National Monument. Three years before his death, in 1932 Marquis’s letter to Byrne read,

Dear Sir: I have been reading ‘The Custer Myth’ in N.D. Hist. Society Quarterly. It is good exploding of long-prevalent fictionized alibi writings about the Custer battle. For the enjoyment of that reading I am sending you a map. Yours very truly, Thomas B. Marquis, Hardin, Montana.<sup>176</sup>

Byrne’s influence from his professional desk in Bismarck reached far and wide. Byrne mailed draft copies of his article to a variety of individuals across the country, from New York City to Los Angeles, and to Hardin, Montana. In a hand-written letter from January 1933, Libby also wrote to Russell Reid at the State Historical Society of North Dakota. Libby’s request was to

...extract from the minutes of the biennial meeting of the State Historical Society held at Bismarck, Jan. 20, 1933. ‘After hearing the statement of P.E. Byrne relative to an article written by Prof. W.M. Wemett on the Custer Black Hills expedition: Voted, that the

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<sup>175</sup> Correspondence from Earl Alonzo Brininstool to Secretary of the State Historical Society of North Dakota, June 21, 1932, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

<sup>176</sup> Correspondence from Thomas B. Marquis, M.D. to Patrick E. Byrne, June 14, 1932, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

executive committee prepare a statement for publication in the N.D. Historical Quarterly. This statement shall make such correction of errors as is deemed necessary, and shall fully meet all other charges made by Mr. Byrne with reference to the intent and purport of the above article. O. G. Libby, Secy. [signed].<sup>177</sup>

On January 24, 1933, Byrne sent a letter on his stationary from the Little Building in downtown Bismarck, North Dakota to “Dr. O. G. Libby, Secretary, State Historical Society of N. Dak., University Station” in Grand Forks, North Dakota. The letter was brief:

Dear Sir: I hereby resign as a member of the State Historical Society of North Dakota, and request that my name be dropped from the roll of membership. Very respectfully, P. E. Byrne [signed].<sup>178</sup>

Libby followed up with a letter to North Dakota Supreme Court Justice Luther Birdzell with the opening sentence,

I hear from Russell that our friend who made so much trouble during our last meeting of the State Historical Society is now planning to publish a series of articles in the newspapers of the state.<sup>179</sup>

Libby continued, noting the problems Byrne caused and could have caused due to his interpretation of the Battle of Little Bighorn, and the litigation that Custer’s widow could have brought to the state. To Birdzell, Libby said,

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<sup>177</sup> Letter from Orin G. Libby to Russell Reid, undated but likely January 1933, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

<sup>178</sup> Letter from Patrick E. Byrne to Orin G. Libby, January 24, 1933, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

<sup>179</sup> Letter from Orin G. Libby to Luther E. Birdzell, January 31, 1933, Historical Society Administration Superintendent’s Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

I am not well posted on the law of the matter but it seems to me that some of the statements he made at the meeting and has made in correspondence might be taken by Mrs. [Elizabeth Bacon] Custer or her lawyers as being libelous and furnishing a basis for a suit.

Herein lies the reasoning for Libby's reticence to publish or edit and amend publication of Byrne's article in the official journal of the State Historical Society of North Dakota. Orin Libby feared the repercussions of the legal team of Elizabeth Custer.

Since you are well aware of how far he has gone in these charges against Mrs. Custer you will know whether there is ground for such assertion. If there is, might it not be possible to keep him from having published these articles which will tend to make things disagreeable for everybody concerned? I am sure Colonel Little would be very glad to keep such dangerous stuff out of the [*Bismarck*] *Tribune* and a suggestion to H.D. Paulson might do the same thing for the [*Fargo*] *Forum* and for the *Grand Forks Herald*. I do not see why our friend should be allowed to run amuck in the press as he did at our meeting, if there is any reasonable way to stop him. The Jamestown papers and the Minot papers could be reached doubtless though Paulson.

I see by the press that the House is planning to cut down our appropriation still further.

Very truly yours,

O.G. Libby<sup>180</sup>

The 1930s proved to be a watershed for memory groups of the U.S. Oceti Wars. Not long after Orin Libby sent this letter, Elizabeth Bacon Custer passed away on April 4, 1933. Later that year, Birdzell resigned from the North Dakota Supreme Court on November 1, 1933 to assume the

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<sup>180</sup> Letter from Orin G. Libby to Luther E. Birdzell, January 31, 1933, Historical Society Administration Superintendent's Correspondence, 1929-1959, Series 30203, Box 5, Folder Reid, Byrne, P.E., 1930-1933, State Historical Society of North Dakota, Bismarck.

position of general legal counsel for President Franklin Roosevelt's recently created Federal Deposit Insurance Corporation.<sup>181</sup> Four years later, on May 14, 1937, Patrick Byrne passed away.

Byrne's life history started in Ireland and carried through to his emigration from Ireland to Bismarck, Dakota Territory where with his skills he became a secretary for the territorial government, and eventually North Dakota Governor John Burke. Byrne's success allowed him the means to build a 2-story residence on "The Hill" in Bismarck, and calculate the creation, publication and release of *Soldiers of the Plains* exactly 50 years after the Battle of Little Bighorn. As a settler colonizing immigrant, he was able to publish a monograph that sought to understand the Native American perspectives of the U.S. Oceti Sakowin Wars in a widely circulated popular press. Byrne reinfused these remembered struggles into the northern plains landscape, once again making them new.

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<sup>181</sup> Luther E. Birdzell in North Dakota Courts, accessed on July 27, 2019: <https://www.ndcourts.gov/luther-e-birdzell>

## CHAPTER 5: CLELL GANNON GETTING CLOSER TO THE SOIL

Like Odin Oyen, Aaron McGaffey Beede, and Patrick Byrne, Clell Gannon made artistic and literary contributions to developing a sense of historical place making on the northern plains. Of the entire group of individuals – Oyen, Beede, and Byrne – Gannon’s contributions transcended disciplinary boundaries. He did not “color within the lines.” Gannon was at once a trained artist, a poet, an historian, an ornithologist, a naturalist, and a humanities scholar. His life history reflects this, and what led him to a lifetime of place making on the northern plains.

Gannon made friends and professional acquaintances that inspired him to make these lasting contributions. This started with his earliest involvement with the Boy Scouts, which later led to his hosting of Ernest Thompson Seton in 1927, a year after Patrick Byrne published his *Soldiers of the Plains*. Gannon’s pastoralism was reflected in his early art commissions for the Oscar Will Seed Company, his public statement in 1922 that reflected the 1930s WPA Rustic architectural style, his joining the naturalist overland expedition in the summer of 1927 with Seton, his eventual contribution to the first edition of *North Dakota History*, and his 1931 public mural that portrayed a cross section of the march of history, including the U.S. Oceti Sakowin Wars, within the Burleigh County Courthouse. His curiosity as a youth toward history and arts led him along this path, as did those he befriended as lifelong companions.

Gannon’s contributions reflect the regionalism of localized culture and talent between the First and Second world wars. Of this movement, Robert Dorman said it came about when “artists and intellectuals across the United States awakened to cultural and political possibilities that they believed to be inherent in the regional diversity of America.”<sup>182</sup> Gannon was a part of that movement, as were his close friends, Russell Reid and George Will. To understand Gannon’s

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<sup>182</sup> Robert L. Dorman, *Revolt of the Provinces: The Regionalist Movement in America, 1920-1945* (Chapel Hill & London: The University of North Carolina Press, 1993), p. xi.

contributions to this movement requires an understanding of his contributions to developing a sense of place on the northern plains. This requires an understanding of his life history.

Born near Wisner, Nebraska on January 10, 1900, Gannon's parents relocated in 1908 to a farm near Underwood, North Dakota, driving a Ford Model T overland from Nebraska to North Dakota. From an early age Gannon developed a love toward nature, landscapes of the plains, and wildlife.<sup>183</sup> By the time Gannon turned sixteen, the *Bismarck Daily Tribune* published a poem of his, "The Romance of the Prairies." The poem reflected Gannon's understanding of local Great Plains romanticism. Within he spoke of how the Great Plains changed from the nineteenth to the twentieth centuries. An Anglo-American view of that time, Gannon noted that the "hunter fire is dying for the olden west has passed," the "noble redman's vanished and the game is going fast." He also turned attention to livestock, the twentieth century "cattle... going down the trail that's winding on," and noting that prior to the turn of the nineteenth century this once was "where buffalo were lowing in the days... long and gone."<sup>184</sup> Much like the 1912 murals painted by Odin Oyen in the Dickey County Courthouse that showed the transition of Native Americans hunting bison, to Sully's attack at Whitestone Hill, to settler colonizers breaking sod and planting crops, Gannon perceived of and poetically wrote about the evolution of the northern plains, this replaced by modern cattle from the native grasses and First Peoples.

Gannon's experience with the landscape had institutional foundation with the earliest troops of Boy Scouts on the northern plains. During the summer of 1918, the local chapter of the Boy Scouts charged Gannon with leadership during a summer camp. In the "Underwood Scouts Camp at Painted Woods Lake" announcement in the June 28, 1918 issue of the *Washburn Leader*, Gannon said the Boy Scouts would camp for a week at Painted Woods Lake, leaving "early Saturday

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<sup>183</sup> Remembrance of Clell by his son, Graef Gannon. On file with the Clell Gannon papers at Bismarck State College, North Dakota.

<sup>184</sup> Clell Gannon, "The Romance of the Prairies," February 15, 1916, *The Bismarck Daily Tribune*, p. 5.



morning, June 29.” The schedule each day was regimented. It began with a 6:45AM Reveille and a “morning dip” five minutes later. Breakfast was at 7:15am, with morning council at 8:15 and inspection at 9:00AM. Another dip in the lake was scheduled at 11:45AM, with lunch at 12:30pm and rest hour starting a half hour after.<sup>185</sup>

The rest of the afternoon was dedicated to “signaling, drilling, biking, boating, nature study,” supper at 6:15pm, and evening council fire and star study. Gannon noted in the public notice, “No firearms of any kind will be allowed in camp, and as the boys will be under good clean leadership, they will be well cared for and return well and happy.” A public invitation was extended “to all to come and inspect camp, and to spend their Fourth [of July] at the lake.”<sup>186</sup> After Gannon’s leadership and experiences at the summer camp at the Painted Woods Lake finished, a couple months later he looked toward the start of his professional training in Chicago.

Similar to Norwegian immigrant Odin J. Oyen, Gannon’s teenage interests in art eventually led him to apply to the Art Institute of Chicago, this thirty years after Oyen had been there. As the summer months gave way to early autumn, Gannon was accepted for enrollment. On Monday, September 23, 1918, the *Bismarck Daily Tribune* reported that Gannon “passed through the city last evening enroute to Chicago where he will take up the study of art in the Chicago art institute.”<sup>187</sup> In addition to studying art, Gannon told the *Bismarck Tribune* that he expected “to gain admittance to the students’ army training corps.”<sup>188</sup> While Gannon’s earlier experiences with the Boy Scouts allowed him interaction with the natural world of the northern plains, it also gave him training that

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<sup>185</sup> With the post-WWII creation of Lake Tschida, a reservoir installed by the Bureau of Reclamation, the Boy Scout camp was relocated from Painted Woods Lake to the Lake Tschida reservoir.

<sup>186</sup> *The Washburn Leader*, “Underwood Scouts Camp at Painted Woods Lake,” 06/28/1918, page 7.

<sup>187</sup> *The Bismarck Daily Tribune*, “In Student Army Corps,” 10/23/1918, page 2.

<sup>188</sup> *The Bismarck Daily Tribune*, “In Student Army Corps,” 10/23/1918, page 2.

would be of use in the army training corps.<sup>189</sup> In 1918, the Great War was underway, and army training was the norm at institutions of higher education.

In Chicago, Gannon's training was both formal and inspirational. When he arrived, he took up coursework in classical drawing and painting. Beyond the Art Institute, though, Gannon's "greatest idol was N.C. Wyeth, the great book illustrator, commercial artist, and muralist."<sup>190</sup> Gannon's roommate was Holling Clancy Holling, who later became an author and illustrator of children's books. Gannon remained a representational artist, depicting recognizable objects such as people and animals situated in northern plains landscapes. This would later become the format he used to paint the murals in the Burleigh County Courthouse.

Gannon's time in Chicago was not exclusively devoted to the study and practice of art. To make ends meet, he earned extra money by working evenings as a cafeteria server. He also worked as an usher at the Chicago Opera in the Auditorium Building on the northwest corner of South Michigan Avenue and Congress Parkway (formerly Congress Street). He was making ends meet, but Gannon could not shake his longing for the northern plains. Of this Gannon's son, Grael Gannon, said he had a commercial art job lined up in Chicago, but he "was so homesick for North Dakota that he threw it up and came back."<sup>191</sup>

Similar to how Beede, Oyen and Byrne all had some type of interaction or commentary with the industrial railroad on the northern plains, so did Gannon. At some point in 1920 or 1921, Gannon returned to North Dakota and accepted a position as a secretary to the district

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<sup>189</sup> August 26, 2018 text message correspondence between Aaron Barth and Dr. Richard Rothaus, Dean of the College of Humanities and Social and Behavioral Sciences at Central Michigan University. Rothaus noted that Isaac, his son, once during a Cub Scout meeting said, "Wait a minute! You're training us to be soldiers. I don't want to be a soldier."

<sup>190</sup> Remembrance of Clell by his son, Grael Gannon. On file with the Clell Gannon papers at Bismarck State College, North Dakota. , page 2.

<sup>191</sup> Remembrance of Clell by his son, Grael Gannon. On file with the Clell Gannon papers at Bismarck State College, North Dakota.

superintendent of the Soo Line Railroad in Bismarck. Gannon lodged at a boarding house run by Mrs. Peter Reid, wife of the warden of the state penitentiary. His circle of acquaintances had personal interest and professional training in matters of history, archaeology and heritage. Gannon and the Reid family soon turned into friends. It was during this time that Gannon befriended Mrs. Reid's son, Russell, who in 1919 had taken a position with the State Historical Society of North Dakota.<sup>192</sup>

Russell Reid, in turn, was a friend of George F. Will, a young graduate of Harvard with a bent for anthropology and archeology.<sup>193</sup> Being connected with the State Historical Society of North Dakota meant that Will and Reid were connected with its secretary, Dr. Orin Libby. Libby was North Dakota's first professional historian, trained under the leadership of Frederick Jackson Turner.<sup>194</sup> Libby's full-time job was professor of history at the University of North Dakota. He reorganized the State Historical Society, working with staff to locate primary sources and artifacts throughout North Dakota to build up its archival collection.

It was shortly after Gannon returned from Chicago to Bismarck that he proposed to the public the push for a regionally identifiable architecture. On May 1, 1922, the *Bismarck Tribune* on page two published Gannon's call for the development of a regional Great Plains architecture. Gannon called it "The Prairie Home." Gannon's sentiments reflected the architectural movement that started six years prior in 1916 throughout the National Parks. Linda McClelland notes that from 1916 to 1942, "prominent landscape architects proclaimed their stewardship of significant natural

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<sup>192</sup> Robert Cory, "Russell Reid: A Friend's Recollection," *North Dakota History*, Vol. \_\_, No. \_\_, p. 284

<sup>193</sup> Robert Cory, "Russell Reid: A Friend's Recollection," *North Dakota History*, Vol. \_\_, No. \_\_, p. 286

<sup>194</sup> Allan G. Bogue, *Frederick Jackson Turner: Strange Roads Going Down* (Norman: University of Oklahoma Press, 1998), 176. Gordon Iseminger, "Dr. Orin G. Libby: A Centennial Commemoration of the Father of North Dakota History" *North Dakota History: Journal of the Northern Plains*, Vol. 68, No. 4, 2001: 2-25.

areas” and “set forth naturalistic theories for park development.”<sup>195</sup> Gannon’s assertions and call for The Prairie Home held thematic continuity with the direction NPS architecture had taken.

Buried within the opening sentence of the third paragraph, Gannon unpacked his manifesto, writing, “What we need is a renaissance in our plains architecture.” He followed this with a rhetorical question to the reader,

Can you imagine anything more appropriate or beautiful than a stone house, made of rough stone, full of windows to gather in the western sunshine, with low gabled roofs and sweeping outlines, nestled among the native hills?<sup>196</sup>

Gannon’s training in Chicago inspired this architectural assertion. The Chicago School of Architecture was progressive, influential and active. Gannon called for a regional approach to the Prairie house, utilizing within the architecture the granite stones deposited across the northern plains landscape from previous glacial epochs. This style, said Gannon, responded to the region’s “physical needs and social well being,” simultaneously reflecting and tying residents to the regional landscape.<sup>197</sup> This, as Gannon’s theory went, would perpetuate a sense and pride of place for residents on the northern Plains.

As a renaissance, Gannon used traditional, imported architecture as a foil, asking the reader to join in breaking from the modern imports. Gannon couched it in the terms of heritage from the view of a tourist, asking the reader to imagine how such an architectural style would impress upon visitors. Speaking in 1922, before planted trees had a chance to grow into large canopies in urban areas and shelterbelts of the northern Plains, Gannon said,

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<sup>195</sup> Linda McClelland, *Building the National Parks: Historic Landscape Design and Construction* (Baltimore, Maryland: Johns Hopkins University Press, 1997), xx.

<sup>196</sup> Clell Gannon, “The Prairie Home” *The Bismarck Tribune*, May 1, 1922, page 2.

<sup>197</sup> Hugh C. Miller, *The Chicago School of Architecture* (Washington, DC: United States Department of the Interior, National Park Service, 1973), p. v.

The casual visitor to our treeless, rock-strewn plains must no doubt wonder why the natural stone should not form a more economical and consistent building material for the majority of people who there reside; it is apparent at least that it would be more picturesque and be more in harmony with the environment of which it is a part.<sup>198</sup>

Gannon asked readers to consider this style because, as in the words of Robert Dorman, he sought a culture with a distinct regional style that would transform “the immigrant into the indigenous.”<sup>199</sup> Gannon noted that “most of the people responsible for the form of [Victorian] architecture now in vogue were born and reared in the traditions of another community.” This settler colonizing culture was aesthetically foreign. The “immigrants and pioneers and their sons” brought “with them the customs of their grandfathers and more so on view of the fact that the railroad followed the tracks of their prairie schooners and ox-carts, ready to bring them the [eastern, non-local] lumber that they needed” to build the styles from which they came.

Even though he worked for a railroad, Gannon was not convinced the railroad always arrived with progress. Without the railroad, Gannon said a regional architectural style still would have come about. Rail cars would not be able to bring non-northern plains materials such as bunks of milled, eastern lumber in such abundance. Therefore, the “story of prairie architecture would have been vastly different,” as they would have been “[f]orced by necessity” to build from native materials such as “either rock or earth.” This would ensure that the style would be “harmonious with that landscape” and “fit in as a part of the whole.” It would “strike a true note and... not jar with their surroundings.”<sup>200</sup> The style would look organic rather than like a settler colonizing structure on the wide-open prairie. Through the distinct regional style, Gannon said this architecture

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<sup>198</sup> Clell Gannon, “The Prairie Home” *The Bismarck Tribune*, May 1, 1922, page 2.

<sup>199</sup> Robert L. Dorman, *Revolt of the Provinces: The Regionalist Movement in America, 1920-1945* (Chapel Hill & London: The University of North Carolina Press, 1993), p. 3.

<sup>200</sup> Clell Gannon, “The Prairie Home” *The Bismarck Tribune*, May 1, 1922, page 2.

“would seem as if it had dropped out of the sky, or had been there since creation so far as natural harmony would be concerned.”<sup>201</sup>

He said this “prairie structure must be low,” and the “interior of the stone house” could be made of “wood... without loss of the architectural principal.” It is central to “make plenty of windows in the prairie home — make it nearly all windows.” The western sky, he said, “is flooded with golden sunshine” which may be had for the taking. True to progressive architectural philosophy, he also mentioned the physiological effects. With the wide-open windows, similar to the Chicago School of Architecture’s philosophy of modern skyscrapers, sunshine would pour in. This sunshine would be “conducive to health, humor and happiness — therefore let us not shut it out of our homes, where we need it most.”<sup>202</sup>

Pointing to the Northern Pacific Railroad Depot in downtown Bismarck, Gannon said even the “use of stucco sounds... a little nearer to the prairie home beautiful.” The Bismarck Depot “is an admirable adaptation to a given environment as well as an architectural triumph.” In 1922, several years before the first North Dakota State Capitol burned to the ground, Gannon also proposed the idea that an eventual and new state capitol should be “built of North Dakota boulders – and... it [would] be another triumph of national architecture.”<sup>203</sup>

Turning toward the economy of construction, Gannon proposed a renaissance in training a workforce of local stone smiths to carry forward the new architectural style. He understood building a renaissance necessitated a social substructure of accomplished and abundant stone smiths. “We have lumber yards everywhere at our service and carpenters who know the most intricate phases of wood-working – but alas how few are the stonemiths.” The carpenters and architects “are eastern trained men working for people essentially eastern bred.” The treeless Great Plains had no regional

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<sup>201</sup> Ibid, page 2.

<sup>202</sup> Clell Gannon, “The Prairie Home” *The Bismarck Tribune*, May 1, 1922, page 2.

<sup>203</sup> Ibid, page 2.

identity when colonized with wood stick buildings and residences. The architectural renaissance Gannon proposed would have a “demand” that would “create a supply” of stonemiths. This supply would drive cost down for others and make the style more sensibly priced. It was up to the “wealthier class to lead the way, to build supremely beautiful houses even if at an advance in price.” The wealthier class commissioning the new stone architectural style would grow the stonemith labor force. This growth would lower labor prices, making it more affordable to the non-wealthier class.

Gannon also pointed to how work on this architectural style was already underway with farmers for decades, as they removed granite field stones from their agricultural fields and piled them in stacks to make way for plowing. The prairie stone is “placed in piles to make way for the plowshare, awaiting the dawn of the new day when a generation born closer to the soil from which they sprang... shall discover their usefulness, and then the stone” will “literally become the head of the corner.”<sup>204</sup>

Gannon foreshadowing a near or distant “generation born closer to the soil” indicated the direction he desired for the offspring of the earlier waves of settler colonists. He indicated a closeness to the local soil, or earth, and this closeness meant one was more in tune with the necessary foundations of local culture. Getting closer to the soil also required one to get in tune with what happened in the past on that soil. While time moved, and events transpired, the spatial, or the soil, remained a constant and witness to the engines of history.

Three years after Gannon called for a regional architectural renaissance, he partnered with George Will and Russell Reid to plan, prepare, and execute a thirteen-day canoe trip in June 1925. They put their canoe in the Little Missouri River at Medora, and navigated days and camped nights

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<sup>204</sup> Clell Gannon, “The Prairie Home” *The Bismarck Tribune*, May 1, 1922, page 2.

until they arrived at Bismarck on the Missouri River. Not long after the trip, *North Dakota History* published his account in the rebranded first volume.

Knowing and anticipating the realities of the two rivers, the team built a flat bottom “18-footer” that could take on “1,000 pounds” while drawing “5 inches of water.” They named the boat the *Hugh Glass* “whose adventurous career,” noted Gannon, had “become one of the classics of western frontier life.” For Gannon, deep meaning was achieved by ascribing the namesake of an early 19<sup>th</sup> century frontier trapper Hugh Glass to the early 20<sup>th</sup> century vessel that carried them down the same rivers. Camping equipment consisted of a “7’ x 7’ miner’s tent, a waterproof sleeping bag for each member of the party, food, clothing, several cameras with auxiliary equipment and maps.” The team relied on Missouri River Commission maps published almost 30 years prior in 1894, “and plat maps for each township from Medora to Bismarck.” The township maps “were drawn in waterproof India ink and bound in full pigskin.”<sup>205</sup> The maps would be weather proof for the entire trip. (Appendix – Figure 14)

Inspiration from the trip was camaraderie and “a passionate love for the Bad Lands and the Missouri River, and an intense interest in ornithology, geology, archeology, and the historic associations with which the region is especially rich.” From the editorial standpoint of *North Dakota History*, this narrative would connect readers with historic landscapes through the eyes of Gannon, Reid, and Will. At the time of publication, in January 18, 1929, the State Historical Society of North Dakota had a total of 201 members. The board of directors consisted of J. L. Bell, L. E. Birdzall, Robert Byrne (ND Secretary of State from 1925-1934), Lewis F. Crawford, Gillette, Kitchen, Orin Libby, C. B. Little, C. W. McDonnell, and Poppler.<sup>206</sup> Their modern interaction with the historic

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<sup>205</sup> Gannon, “A Short Account of a Rowboat Journey from Medora to Bismarck,” *North Dakota History*, p. 15.

<sup>206</sup> See State Historical Society of North Dakota Board Meeting Minutes, January 18, 1929, on file with the SHSND, Bismarck.



sites would engage readers and inspire a renewed interest in heritage. George Will's understanding of regional northern plains archaeology and anthropology, and Russell Reid's understanding of regional northern plains history, would also inform what Gannon would emphasize in his article.

Gannon focused on the European and Euro-American perspective. He started with Baptiste Le Page, the "first white man to ever make the voyage" from the Black Hills to the Little Missouri River, and "down the Missouri as far as the Indian villages on the Knife River."<sup>207</sup> Gannon noted Lt. William Clark's April 12, 1805 journal entry "that Le Page's voyage [from the Black Hills to the present day Knife River Indian Village National Historic Site] was accomplished in 45 days." Gannon said Le Page remarked "the Little Missouri flows through broken country along its entire course." With subtlety, Clell informed readers, "We who know the rugged character... would consider that the latter part of" Le Page's statement "puts it mildly."<sup>208</sup>

After recounting the history from 1804, Gannon advanced the readers eighty years forward at Medora, "which hovers memories of Marquis de Mores and Theodore Roosevelt." Long before Medora became the center of Theodore Roosevelt National Park, and long before it was commercialized and turned into a heritage tourism destination, the main remnants were a "chateau on the west bank of the river and the smokestack of the packing plant on the Medora side" which remained "sadly reminiscent of the Frenchman's visions."<sup>209</sup> Gannon put to words the look of the Bad Lands just after the start of a hard rain. They "take on a weird beauty" where "hard lines are suffused and obliterated, distances are clothed in a mystery and indefinable beauty and the colors" that "seem to be intensified and lightened."<sup>210</sup>

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<sup>207</sup> Gannon, "A Short Account of a Rowboat Journey from Medora to Bismarck," *North Dakota History*, p. 15.

<sup>208</sup> *Ibid*, p. 17.

<sup>209</sup> *Ibid*, p. 17.

<sup>210</sup> *Ibid*, p. 18-19.

Within their *Hugh Glass* row boat, Gannon, Reid, and Will floated by “Olson’s Peaceful Valley Ranch,” the Wadsworth Ranch, the historic Theodore Roosevelt Elkhorn Ranch house site, and the historic Howard Eaton ranching headquarters site. About 12-noon on June 12, they reached “a point a little above Crosby Creek” that had tributaries that drained north and west of the Killdeer Mountains. The next day, on June 13, they “reached a point directly north of the Killdeer Mountains.” At this northerly location, they “climbed the high river bluffs,” and took in the panoramic view. Of this, Gannon said,

The view from the top overlooking a canyon-like reach of the Little Missouri was of the kind that gains little and suffers much from the inadequacy of a written description. To the south the breaks of the Bad Lands faded into a rolling plain which reached away to the Killdeers, looming blue against the sky. To the east the river stretched in serpentine curves for miles, bordered by a fringe of cottonwoods. To the north and west the Bad Lands toppled and rolled, seemingly without order or design until lost in the blue haze that melted into the horizon. Large, white cumulus clouds floated motionless in the deep blue above, casting intricate patterns of sun and shadow across a vast expanse of land dripping with color.<sup>211</sup>

On June 9, the team “lunched at Roosevelt’s Elkhorn Ranch house site... about 40 miles by river below, or north of Medora.” By 1925, four decades had passed since Theodore Roosevelt was at the site. Gannon said all “that remained of the old house was a few log sills and foundation stones, as well as a flat doorstone still in position.”<sup>212</sup> The next day, on June 10, they passed Magpie and Beicegal creeks, and on June 11 reached Redwing Creek at noon. They made camp “a little below the first Squaw Creek (there are two tributaries of the Little Missouri by this name.)”<sup>213</sup> On

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<sup>211</sup> Gannon, “A Short Account of a Rowboat Journey from Medora to Bismarck,” *North Dakota History*, p. 17.

<sup>212</sup> *Ibid*, p. 17.

<sup>213</sup> Gannon, “A Short Account of a Rowboat Journey from Medora to Bismarck,” *North Dakota History*, p. 18.

June 12, Gannon, Reid and Will “attempted to climb the high buttes” of Killdeer Mountains, but a thunderstorm dissuaded the attempt. Throughout western North Dakota, any moisture that saturates the clay soils turns the ground “slippery as grease,” making it impossible to climb slight or modest elevations. That night they camped on the Little Missouri above where Cherry Creek emptied into it.

The next day, on June 13, at noon, they “reached a point directly north of the Killdeer Mountains and climbed the high river bluffs.” It was a slog, as they pushed “through heavy thickets of black birch, aspen, and oak.” Of the Killdeer Mountains, Gannon recalled what happened almost 60 years prior.

Gazing away to the Killdeers brought to our minds Sully’s battle with the Sioux which was fought at the foot of these interesting mesas in July, 1864. It was into the very Bad Lands around us that the Indians took flight and Sully, unable to follow, abandoned the pursuit.<sup>214</sup>

Gannon’s brief 1925 interpretation of the Battle of Killdeer Mountains is noteworthy. He hints at Indian agency, noting that “the Indians took flight.” The past tense of “take” specifies, in Gannon’s remembrance, that leaders of the Lakota and Dakota forces mentally understood what was happening. Knowing that they could not get within range of Sully due to his mountain howitzers, the indigenous forces strategized and acted accordingly. They hoped to entice Sully further into their territory. In Carl Boeckmann’s 1910 painting of the 1864 action at Killdeer Mountain also painted the perspective of his battle scene with the Native Americans in the distance. Odin Oyen also painted the Native Americans in the distance in his 1912 Dickey County Courthouse mural painting of Whitestone Hill. This was a departure from how General Alfred Sully illustrated a segment of the U.S. Oyeti Sakowin Wars two months after the September 4, 1863 action at Whitestone Hill. Sully’s illustration, printed on October 31, 1863 in *Harper’s Weekly*, depicted

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<sup>214</sup> Ibid, p. 19.

cavalry, swords drawn, riding through the Native encampment with Native women and children fleeing. By the 1910s and through 1931, northern plains artists painted with the perspective of Union officers and soldiers in the forefront, and Native Americans in the distance, or not present at all.

Gannon had an appreciation for infinite perspectives. This informed his work as a professionally trained artist. George Will's appreciation for local indigenous history in addition to Euro-American history also helped inform Gannon's worldview. By the time the Little Missouri merged with the Missouri River on the afternoon of June 15, "In fancy we could see it peopled with the explorers, furtraders, and adventurers of other days in mackinaw or keel, or Indians in their bull boats of skin." Such explorers and furtraders included "Lewis and Clark, Maximilian, Catlin, Ashley, Lisa, Colter, Glass and scores of others" who passed their historical imaginations in the river landscape "in pageant fashion."<sup>215</sup>

Recounting a Mandan story attached to Lt. Col. Custer and 1876, Gannon said once they reached Fort Berthold they "called at the Hall Mission." The Reverend C. L. Hall started work at Fort Berthold in 1876 when he came "up from Yankton on a boat which also carried supplies for General Custer then stationed at Fort Abraham Lincoln near Bismarck." Still at Fort Berthold, Gannon said Hall "in 1926 celebrated the 50<sup>th</sup> anniversary of his arrival."<sup>216</sup> Gannon mentioned several historic sites that were later brought into the state historic and state parks & recreation system, and the National Park Service. Of the latter, Gannon said that on June 18,

Early in the morning we began an inspection of the Indian villages formerly located here, and at which place the Indians were living when visited by Lewis and Clark, Maximilian,

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<sup>215</sup> Gannon, "A Short Account of a Rowboat Journey from Medora to Bismarck," *North Dakota History*, p. 20.

<sup>216</sup> Gannon, "A Short Account of a Rowboat Journey from Medora to Bismarck," *North Dakota History*, p. 20-21.

Catlin, Henry, and others at that time. A short distance up river we came to the lower Hidatsa village. It was here that Charbonneau and Sakakewea lived when Lewis and Clark secured them to accompany the expedition to the coast. Maximilian, who spent the winter of 1833-34 near these villages (at Ft. Clark), found Charbonneau still living here and he records that he had then resided among these villages for 37 years.<sup>217</sup>

The three heritage adventurers “slipped back down the Knife and out into the Missouri, dropping down to old Fort Clark about seven miles by river below Stanton,” the county seat of Mercer. As they passed a modern elevator at the city of Deapolis, Gannon said one “of the Mandan villages was located at the present river elevator,” and another “immediately north of old Fort Clark.” At Fort Clark, “one of the most important fur-trading posts on the Missouri River... established in 1831 by the American Fur Company,” the remains in 1925, 90 years later, consisted “of the stone fireplaces, slight excavations and the scars of the stockade wall... still plainly in evidence.”<sup>218</sup>

By the evening of June 18, they had briefly “tied up because of the high head winds” near Washburn, “county seat of McLean County and old river town.” Once the high winds subsided, they resumed the journey, “passing Sanger” and setting up “camp on the east side of the Missouri in Burleigh County a few miles below Sanger,” the former and historic county seat of Oliver County.<sup>219</sup> This would be their last camp.

On June 19, the group passed “Double-Ditch Indian village,” where George Will excavated two decades prior in 1906 to complete his Bachelors of Archaeology and Anthropology at Harvard

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<sup>217</sup> Ibid.

<sup>218</sup> Ibid, p. 22.

<sup>219</sup> Gannon, “A Short Account of a Rowboat Journey from Medora to Bismarck,” *North Dakota History*, p. 22.

University.<sup>220</sup> “At noon,” said Gannon, the Northern Pacific Railroad Bridge “at Bismarck appeared in sight and shortly after” they landed at the “water plant,” ending the “350 mile river voyage.”<sup>221</sup>

In the closing paragraphs of his article, Gannon recapped the ornithology viewed along the journey. As the historian Dr. Orin G. Libby was editor of *North Dakota History*, and considering Libby’s intense hobby of birdwatching, it is imaginable that in earlier drafts Libby and Gannon worked out the way he would document the birds that were seen along the journey. Of it all Gannon said,

The bird life was varied and interesting. The most common birds among the Little Missouri were the black headed grosbeaks, oven birds, morning doves, red headed woodpeckers, whip-poorwills, long tailed chats, great blue herons, spotted sandpipers, and towhees. A number of golden eagles, great horned owls, and turkey buzzards were seen; and one cinnamon teal, quite rare in North Dakota, was observed on a sandbar.<sup>222</sup>

Gannon also gave impressions of the bird songs. Of the grosbeaks, he noted they “are matchless singers and entertained us at every camp.” The grosbeaks “chats were always on the job,” and they sang, “day and night, rain and shine.” The ovenbirds were “persistent in their song than on the Little Missouri,” and the blue heron also gave voice.

Gannon pointed to the township, range and quarter sections for readers, as well as noting where the heritage resources were in relation to modern towns and landmarks. The idea behind this was to popularize the locations. Popularizing them could grow the heritage movement. He did this at several locations to reference both where he was and his view of the Killdeer Mountains. And he

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<sup>220</sup> See George F. Will and H. J. Spinden, “The Mandans: A Study of Their Culture, Archaeology and Language” (Cambridge, Massachusetts: Peabody Museum of American Archaeology and Ethnology at Harvard University, 1906).

<sup>221</sup> Gannon, “A Short Account of a Rowboat Journey from Medora to Bismarck,” *North Dakota History*, p. 22.

<sup>222</sup> Gannon, “A Short Account of a Rowboat Journey from Medora to Bismarck,” *North Dakota History*, p. 22-23.

did this beyond Killdeer Mountains. He referenced an old Hidatsa village that was at the present-day location of the Mercer County courthouse. And the village that used to be in the location of the elevator mill at Deapolis.

Of all the sites he mentioned, several received new architecture a decade later during the Civilian Conservation Corps and Works Progress Administration initiatives during the Great Depression.<sup>223</sup> Two decades later, during the 1950s, additional rustic architectural signage was installed.

Gannon's genesis idea in 1922 that called for a renaissance in northern plains eventually transitioned a decade later to the development and construction of the WPA Rustic style and use of local fieldstones in the architecture and signage of state and county parks and historic sites. This architecture was installed in the 1930s and 1950s, and included Double Ditch State Historic Site, the City of Bismarck's Sibley Park, Fort Clark State Historic Site, Fort Abraham Lincoln State Park, Killdeer Battlefield State Historic Site, and Steamboat Park State Historic Site at Bismarck, near the approximate location where Gannon, Will and Reid ended their heritage adventure.

Nine years after Gannon led the Boy Scout camp at Painted Woods, Ernest Thompson Seton, co-founder of the Boy Scouts of America, arrived to Bismarck in the summer of 1927. Seton's arrival was of importance to the northern plains, as everywhere in his travels he promoted his Woodcraft movement. Through this, Seton constructed the idea that he would return those who were a part of his movement to an authentic past. Philip Deloria noted that Seton regarded modernity as the rise of corporate monopolies, cutthroat competition, strikes and populist reform movements. Seton's invigoration of an "authentic past" in these talks served "as a way to imagine

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<sup>223</sup> Steve C. Martens, "Federal Relief Construction in North Dakota, 1931-1943," National Register of Historic Places, Multiple Property Documentation Form. (Bismarck, North Dakota: State Historical Society of North Dakota, 2010).

and idealize the real, the traditional, and the organic in opposition to the less satisfying qualities of everyday life.”<sup>224</sup>

In the summer of 1927, Gannon, George Will and Russell Reid joined Ernest Thompson Seton on an overland naturalist expedition from Bismarck, North Dakota to Estes Park, Colorado, the latter a National Park established twelve years prior under President Woodrow Wilson in 1915. Seton’s appreciation of Native Americans and their way of life inspired him to utilize this as a philosophy for founding the Boy Scouts of America. In 1927, Seton “announced plans to make a special visit to several Plains Indian reservations and spend the latter part of the summer among the New Mexico Pueblos.”<sup>225</sup>

The July 7, 1927, front page of the *Bismarck Capital* headlined the event with the title, “FAMED NATURALIST HEADS EXPEDITION,” and a subheading of “Russell Reid, Clel[l] G. Gannon, George Will and Others From Bismarck and Easterners Will Go to Estes Park – Ernest Thompson Seton Lecture on the 13<sup>th</sup>.”<sup>226</sup> In addition to Seton, Reid, Gannon and Will, the *Bismarck Capital* noted that Bismarck-Mandan locals such “Brennan Briggs Davis, (son of the librarian of the State Historical Society), and Gaylord Conrad of Mandan” would join the expedition.<sup>227</sup> Additionally, “Dr. Fisher of the American museum” of Natural History “and Mrs. Fisher, official chaperone of the party,” along with Julia Buttrees and Helen Saunders of the Woodcraft league, and “Mr. Sievers” who drove “overland from New York City by car” would also accompany Seton’s expedition. From the City of Mandan, they headed south with the first stop at Fort Yates, where the party met Aaron McGaffey Beede and “the Indians of the Standing Rock reservation.”<sup>228</sup>

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<sup>224</sup> Philip J. Deloria, *Playing Indian* (New Haven: Yale University Press, 1998), 101.

<sup>225</sup> H. Allen Anderson, *The Chief: Ernest Thompson Seton and the Changing West* (College Station: Texas A&M University Press, 1986), 211.

<sup>226</sup> July 7, 1927, “Famed Naturalist Heads Expedition” in *The Bismarck Capital*, page 1.

<sup>227</sup> Ibid.

<sup>228</sup> Ibid.



Before the group departed, on Wednesday, July 13, Seton scheduled a luncheon talk with the local chapters of Kiwanis, Rotary and Lions clubs, and a public lecture at the Bismarck Auditorium later that evening with the local chapter of Boy Scouts.<sup>229</sup> On July 7, 1927, an advertisement on page 5 of the *Bismarck Tribune* promoted Seton's lecture. The advertisement read,

'Wild Animals I Have Known', a lecture by Ernest Thompson Seton, assisted by stereopticon slides, at the auditorium, Wednesday, July 13<sup>th</sup>, at 8:15P.M. Admission, Adults, \$.75; ages from 9 to 17, Inc., free. Reserved seats at Harris & Woodmansee's, Under the auspices of the Boy Scouts, Girl Scouts and Campfire Girls.<sup>230</sup>

The following Thursday morning, Seton and the "Indian Expedition" departed Bismarck, crossed the Missouri River, and traveled south from Mandan, North Dakota. Once they arrived to Standing Rock, Aaron McGaffey Beede greeted them, and Seton and his expedition were "pleasantly surprised that... Beede had exchanged his [Episcopalian] clerical garb for a law degree and was now working at the agency courthouse on the Indians' behalf."<sup>231</sup>

Seton's time in North Dakota reflects a larger theme that Gannon was a part of, and that was the reality or perception of the natural and pre-Industrial worlds being replaced by industrial progress. This experience with Seton in the summer of 1927 set the stage for Gannon four years later to accept the offer of Burleigh County Commissioner George Will to paint the interior murals in the newly constructed county courthouse.

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<sup>229</sup> July 7, 1927, "Famed Naturalist Heads Expedition" in *The Bismarck Capital*, page 1; George F. Will, Jr., "The Woodcraft League 'Indian Expedition' of 1927: A Pictorial Record from Bismarck, North Dakota, to Long's Peak, Colorado, July 1927" in *North Dakota History: Journal of the Northern Plains*, Vol. 70, No. 3, 2003: 19-25.

<sup>230</sup> July 7, 1927, *The Bismarck Tribune*, page 5.

<sup>231</sup> H. Allen Anderson, *The Chief: Ernest Thompson Seton and the Changing West* (Texas A&M University Press, 1986), 211. The historian Anderson mistakenly identifies Aaron McGaffey Beede as a Jesuit priest on the Standing Rock Reservation. Beede served as a Congregational minister for a time and also was Episcopalian, but had a falling away from the Episcopal church. Beede also held a PhD from Wesleyan University (Bloomington, Illinois), with his dissertation titled, "Some Hindrances to Social Progress in the United States" (1899).

On July 25, 1931, *The Bismarck Tribune's* frontpage story headlined, “New Courthouse Is Dedicated.”<sup>232</sup> Burleigh County commissioners Axel Soder, Charles Sweanson, Victor Moynier, William Fricke, and George F. Will, the chairman of the county commission, oversaw the courthouse construction. A. C. Isaminger was acting secretary for the board, and the architect was Ira Rush, a regionally and nationally recognized architect with offices in Minot and Bismarck. Rush produced nationally significant architecture throughout North Dakota and the northern plains.

Clell Gannon and George Will had a friendship and a professional relationship. Shortly after the passing of George Will, Dr. Harlow Leslie Walster assembled a biography of Will. Walster was former dean of agriculture and director of the agricultural experiment station, North Dakota State University (formerly North Dakota Agricultural College), and the biography was a dedication to his friend. Within this slender biography, Walster had Gannon recount the creation of the murals within the Burleigh County Court House.

When the courthouse was built, Burleigh County Commissioner George Will spearheaded an initiative to decorate the interior. Gannon said, “a sum including for decorations was sublet to a Minneapolis decorating firm,” and this “direct contract... intended to include several murals to be painted by a Minneapolis artist.” While Gannon could not recall the name of the artist, he said George Will “was successful in inducing the decorators to use indigenous subjects for the murals with the exception of a large mural in the court room” that symbolized justice.

George Will wanted the interior murals within the entryway of the courthouse to be local. Will called Gannon about commissioning interior paintings within the courthouse. Gannon said “George called me at the office one day and asked me how I was at painting mules — or at least that is what I heard on the telephone.” Gannon confirmed that he “could do them all right,” but he was “somewhat mystified” that his friend and county commissioner would specifically want mules

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<sup>232</sup> “New Courthouse Is Dedicated” in *The Bismarck Tribune*, 07/25/1931, Page 1.

painted within the courthouse. It was not until a couple hours after the phone conversation ended that Gannon understood what George Will asked. Gannon said, “it came to me an hour or so later that” George Will “had said ‘murals’ and not ‘mules’.”<sup>233</sup> Later that evening, Will and Gannon “talked the matter over.” Gannon created “a number of historical sketches relating to the history of Burleigh County” and he passed them along to Will, who, in turn, “submitted these to the other Commissioners and they were approved.”<sup>234</sup>

On the second page of the *Bismarck Tribune*'s July 25, 1931 courthouse dedication, another story reflected on how “125 Men and Women Served In Burleigh County Offices” as the county organized 58 years prior on July 16, 1873. Individuals included “E.A. Williams, George P. Flannery, Alexander McKenzie, and others,” and would have also included Patrick Byrne as an early Burleigh County, Dakota Territory cleric.<sup>235</sup> By page 3, *The Bismarck Tribune* gave full description of the “Utility and Beauty Combined in New Burleigh Courthouse.” The “court house and combined jail and sheriff's residence are of the most modern construction and contain equipment of the newest design.” The building was built “on a slight eminence graded up from the street” and located “on the site of the old court house, bounded by Fifth and Sixth Streets and Thayer and Rosser Avenue.” The courthouse exterior was of “Indiana limestone set on a base of pearl pink granite,” with a total floor area of 23,000 square feet. (Appendix – Figure 15 and Figure 16)

The *Bismarck Tribune* explained Gannon's contributions in the next chapter:

Entrance is made into the building from a tile terrace on the southern front through massive bronze doors ornamented with bronze grilles. They lead into a vestibule which is lined with marble to a height of seven feet, above which are mural paintings depicting scenes in the

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<sup>233</sup> Harlow Leslie Walster, “George Fancis Will: Archaeologist, Anthropologist, Ethnologist, Naturalist, Nurseryman, Seedsman, Historian” *North Dakota History*, Vol. 23, No. 1, 1955, pp 15-16.

<sup>234</sup> Ibid.

<sup>235</sup> “125 Men and Women Served In Burleigh County Offices” in *The Bismarck Tribune*, 07/25/1931, Page 2.

early history of the county. The murals are the work of Clell Gannon, local artist. He has picturized a street scene when it was a small frontier town, as well as the dedication of the territorial capitol, Missouri river boatlandings, Sibley's troops, and a number of other events of historical interest. Set in colors in the terrazzo floor in the vestibule is the Burleigh county seal, also designed by Gannon.<sup>236</sup>

On this same page 3 was another story about the local Bismarck chapter of Boy Scouts, with the title and subtitle, "Crystal Cave Visit Excites Boy Scouts: Bismarck Youths Visit Fort Meade and Rapid City on Black Hills Trip."<sup>237</sup> Gannon and the early history of the local chapters of the Boy Scouts always seemed nearby.

Gannon's experiences, and his narration of these experiences reflected a "growing national distinction" of the regional sense of place of the northern plains.<sup>238</sup> With Gannon's intimate understanding of northern plains history, his perception of battles not being front and center, but rather as relief, or portrayals of soldier's marching as reflective of the large sweeps of history, also came through in Odin Oyen's 1912 painting of General Sully's 1863 action at Whitestone Hill. Gannon and Oyen illustrated and remembered the specifics of the Oceti Sakowin Wars in intentionally vague and distant ways. This was marked in contrast to how General Alfred Sully himself illustrated the battle in late October of 1863: illustrated as up close and personal as an illustrator could get. In Oyen's 1912 mural of Whitestone Hill, the view is just behind the shoulder of a commanding officer, with plumes of smoke toward the distant horizon trailing upwards into the sky. Nineteen years later, from 1912 to 1931, Gannon is all but illustrating a column of General

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<sup>236</sup> "Utility and Beauty Combined in New Burleigh Courthouse: Building Will House Various County Departments for Many Years to Come" in *The Bismarck Tribune*, 07/25/1931, Page 3.

<sup>237</sup> *The Bismarck Tribune*, 07/25/1931, Page 3.

<sup>238</sup> Molly Rozum, *Grasslands Grown*, 354.

Sibley's 1863 infantry marching across northern Dakota Territory, presumably on the way to, or returning from, July 1863 Battle of Apple Creek.

This comparison in 1863 to 1912 and to 1931 perspectives captures the shift that artists and intellectuals felt before and after the turn of the nineteenth century. Of this period, historian Philip J. Deloria says, "The soldier who once could see his enemy aiming at him," such as Sully's 1863 illustration, "now died blissfully ignorant" after the turn of the nineteenth century, such as Oyen's 1912 illustration that depicted carnage off in the distant, near the horizon.<sup>239</sup> With Gannon's 1931 illustration, it was not of battle directly. It had grown to soldiers marching in formation somewhere on the northern plains. Gannon's interaction with the northern plains landscape, and his recounting of its history, whether in poem, history, or public art, situated regional history with national importance into the landscape. It allowed for those who viewed it to imagine and grow deep invisible roots in the soil.

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<sup>239</sup> Philip J. Deloria, *Playing Indian*, 1998, p. 99.

## CHAPTER 6: CONCLUSION: BISMARCK'S CUSTER PARK, WHITESTONE REDUX

This dissertation begins to fill a needed gap in the traditional and contemporary scholarship. The bibliography of the US Oceti Sakowin Wars grows proportionally every five to ten years. It has grown since the wars started and expanded with every decade and generation since. By taking a hard look at why a handful of settler colonists wrestled with how and why to remember the US Oceti Sakowin Wars, a needed layer of context is getting developed. Public and academic presentations then and today continue to revisit the officer and soldier accounts, all without examining the reasons why people from one generation to the next made their historical inquiries. Historians, artists, poets, and writers all have reasons within themselves for why and how they do the work they do. It is possible to get some understanding of several strains of intellectual and public thought on remembrance of the US Oceti Sakowin Wars, and to see intersections, tensions and continuity.

A handful of scholars have started dedicating energy to researching and writing about settler colonizer experiences before and after the turn of the nineteenth century. Robert Dorman's 1993 monograph, *Revolt of the Provinces: The Regionalist Movement in America, 1920-1945* is one, although published almost 30 years prior to completion of this dissertation. Modern scholarship fixated on the geographic region of the northern plains comes by way of Molly Rozum's 2021 work, *Grasslands Grown: Creating Place on the U. S. Northern Plains and Canadian Prairies*. Another developing intellectual body of work, at least from indigenous artists creating intellectual works of art after the turn of the nineteenth century, continues to be carved out by Philip Deloria. Deloria's 2019 monograph, *Becoming Mary Sully: Toward an American Indian Abstract*, gives readers a look at the way one Native artist made sense of her traditions and culture through abstract illustration in the 1920s and onward.

These are three samples, and this list is non-exhaustive. Additional research is needed. So many questions are in front of historians. How did the remembrance of the US Oceti Sakowin Wars in the first decades of the twentieth century inspire or influence subsequent generations from the

1930s until the formation of the American Indian Movement in the 1960s? Michael L. Lawson's 2009 *Dammed Indians Revisited: The Continuing History of the Pick-Sloan Plan and the Missouri River Sioux* explains the political ramifications of the earthen damming of the upper Missouri River in the 1940s and 1950s. But from a cultural standpoint, how did the progeny of the first and second wave of settler colonizers make sense of where they lived after the second world war? Questions abound.

For Jeffrey Barash, the remembrance of the past is “the understanding of how memory functions in the contemporary world” and how this “requires that we set in relief the novelty, not of collective memory per se, but of the unprecedented theoretical attention that is currently accorded to its socio-political function.” The politics of the times shapes memory. Depending on who is elected to city, county, state, and federal seats of power, this informs and shapes the way historical events are remembered. This is correct to one extent. This dissertation pushes this idea in new directions localized to the northern plains, exploring socio-cultural expressions that informed, or were informed by, Barash's ideas of socio-politics.<sup>240</sup>

As the previous chapters show, this was the case on the northern plains before and after the turn of the nineteenth century. Local, state, and federal politics, and the personalities that occupied those seats of power, informed the remembrance of the US Oceti Sakowin Wars on the northern plains. Resurgences of these arguments – not exact, but similar – have persisted for more than 150 years since the events took place. A chapter-by-chapter recap of these remembrances is as follows. It begins with Sully's initial remembrance of the September 4, 1863, events that he narrated and submitted on September 11, 1863, to the War Department, and flashes forward to his later regret for the action in the latter part of the 1870s that Aaron McGaffey Beede popularized in his 1915 play, *Heart-in-the-Lodge: “All a Mistake.”* It continues with the 1910 installation of the Whitestone Hill

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<sup>240</sup> Jeffrey Andrew Barash, *Collective Memory and the Historical Past* (Chicago: University of Chicago Press, 2016), 3.

Union soldier memorial spearheaded by North Dakota U.S. Congressman Thomas Marshall and punctuated by Marshall's social Darwinistic dedication to the monument. It proceeds to Odin Oyen's 1912 mural in the Dickey County Courthouse that resulted in yet another illustration of Whitestone Hill, but from a settler-colonizing perspective almost fifty years after Sully's 1863 narrative.

Fourteen years later, from 1912-1926, Patrick Byrne's *Soldiers of the Plains*, and later his 1932 argument with Dr. Orin G. Libby, ultimately exposed the censorship inherent in official state published histories. Dr. Libby warned North Dakota Supreme Court Justice Luther Birdzell about legal repercussions from George Custer's widow if the *North Dakota Historical Quarterly* printed Byrne's polemics against Custer. The *North Dakota Historical Quarterly* allowed for the publication. But not without Dr. Libby suggesting to Birdzell that Byrne be censured. The year prior, in 1931, Burleigh County Commissioner George Will had asked Clell Gannon to paint murals in the newly constructed Art Deco courthouse. Like Oyen, Gannon portrayed General Sibley's 1863 soldiers at a distance. In Gannon's case, the soldiers were painted as marching, or in a non-battle scene. Oyen and Gannon made attempts to sanitize the soldiering from 1863 in county courthouses built in 1912 and 1931. This is a window into how settler colonizers wanted to remember violent events that they felt distance from, all while knowing it was meaningful to acknowledge them in some way. In that regard, Oyen and Gannon were able to keep the peace with elected officials and tenured professors of history. Byrne, however, was not so polite.

The political arguments that resulted from policies of the past persist today. Today, twenty first century actors position themselves in ways reminiscent of the first decades of the twentieth century: from Custer-philes to those who want to reframe the narrative from an indigenous perspective to those who want to respect the narratives of the past but know or are nonplussed by what to do when confronted with competing narratives. These modern actors, and the elected



officials who either take a stand or attempt to reconcile competing and irreconcilable differences amongst their constituents, sometimes are unaware that these arguments have persisted since the beginning and the first memories of the US Oceti Sakowin Wars. It is on professional historians to consider ways to continue researching, writing, and communicating the ways in which settler colonizers considered how and why to remember the US Oceti Sakowin Wars. What started as settler colonizer placemaking through history, fine art, and literature eventually evolved into a sense of history and, even to extend on that, evolved into a type of remembrance that pushed and pulled at the settler colonizers' moral compasses.

The US Oceti Sakowin Wars sense of history was cultivated on the northern plains long before the formation of the institutions that would inherit the sites where the history took place. City, county and state parks and recreation departments struggle with how to comprehend and shape policy at the sites and parks they are charged with overseeing. An example is represented through the 2019 public argument over the name of Custer Park in the City of Bismarck. Custer Park was founded in March 1910 as River View Park, and only took the name of Custer Park in 1911-1912. Inquiry into the original park name shows how a casual transition of the formal River View name into the informal Custer Park name set the foundation for arguments that persist today.

On October 6, 1910, page 7 of the *Bismarck Tribune*, a headline read, "Bismarck to be made 'the City Beautiful'." Landscape architect Benjamin Terrell Hoyt arrived from Minneapolis-St. Paul to site visit the city and "prepare plans for the permanent beautifying of the city." The *Tribune* discusses Hoyt's credentials, as he "has been actively engaged in the Twin Cities in landscape work" and submitted "a plan for the beautifying of the campus of the University of Minnesota."<sup>241</sup> Hoyt would look holistically at the landscape architecture of Bismarck, along with the landscape architecture of Riverview Park.

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<sup>241</sup> October 6, 1910 "Bismarck to be made 'the city beautiful'" *Bismarck Tribune* page 7.

After the site visit, on November 7, 1910, Hoyt sent a letter to the Civic League of Bismarck. It was a follow-up of the Civic Improvement League's purchase of the 4.5-acre Riverview Park, which eventually grew into a 5-acre park. In his correspondence, Hoyt referred to the park as Riverview Park. Locally, in Bismarck, it was known already as Custer Park. Trained as a landscape architect, Hoyt sought to set the plans in motion to give Bismarck the best landscape planning possible. Hoyt's narrative situated Riverview Park in the local urban context of Bismarck and the street layout. Hoyt "suggested the closing of Broadway and Thayer streets" that would otherwise run east-west through the park. By closing them off, Hoyt said it would "open expanses of lawn so necessary to get a good park effect." If Broadway remained, "a rustic foot bridge across the lake at Broadway Street would be in good taste." For landscaping the park, once it was plowed up, Hoyt proposed the placement of "natural clusters of shrubs, trees and evergreens" so a proposed band stand would have "the proper setting" of a backdrop. The strategic placement of the park, immediately north of the Northern Pacific Railroad, would "help advertise your City," noted Hoyt, to be "seen by people passing in the trains every day."<sup>242</sup> Settler colonizer passengers aboard the Northern Pacific Railroad trains could view River View park on their way to stops beyond Bismarck.

Hoyt followed up by sending a letter to Mrs. C. M. Dahl, president of the Bismarck Civic Improvement League. In this letter, Hoyt provided specifics on the landscape architecture of the first city park of Bismarck, along with species and plantings. Of the landscape architecture, Hoyt proposed a pond or lagoon at the south end of the park, possibly with a bridge that spanned the pond. The pond could be stocked with gold fish, with a deep area excavated in the pond so the fish could winter within, as the fish would be of interest to children and would "prevent the breeding of

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<sup>242</sup> November 7, 1910, B. Terrell Hoyt to Bismarck Civic Improvement League, Bismarck Civic Improvement League Records, 1908-1918. Manuscript #10060, State Historical Society of North Dakota, Bismarck.

mosquitos.”<sup>243</sup> Boulders could be added here and there around the pond, along with “a few cat tails and the common white and yellow water lilies about the bridge.” Hoyt also proposed “a small bath house” that could be used in the summer to change in and out of swimming suits and, as Hoyt continued, “for a warming house for skating parties in the winter.” Of the swimming pond, Hoyt said he would “take for granted that this would be a very good place for a skating rink for the boys and girls.”<sup>244</sup> Hoyt also proposed three types of trees, the elm, ash and box elder. Thinking into the future uses of the park as a place for heritage and history, Hoyt “suggested appropriate places for a number of different statues which you may want to place from time to time.”<sup>245</sup> The namesake of the park continued to surface.

Even in the 1910-1911 genesis discussions of the first city park in Bismarck, there was no alignment amongst planners of the park’s official name. Writing from Minneapolis-St. Paul, in Hoyt’s correspondence, he continually refers to it as Riverview Park. Residents of Bismarck would call it Custer Park, and this surfaced on several occasions in the *Bismarck Tribune*, a newspaper that had historically close ties with the Battle of Little Bighorn, Lt. Col. Custer, and the 7<sup>th</sup> Cavalry. It was *Bismarck Tribune* reporter Mark Kellogg who was killed in battle on June 25, 1876, as an embedded reporter with Custer’s command at Little Bighorn. The owner and publisher of the *Tribune*, Clement Lounsberry, was originally going to go with Custer’s command, but stayed behind due to illness. Kellogg went in Lounsberry’s place.

The deliberate and incremental steps to placemaking were intense. It indicated a settler colonizer desire that they were in fact here to stay and throw the necessary energy into beautifying a

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<sup>243</sup> B. Terrell Hoyt to Mrs. C. M. Dahl, October-November 1910, Bismarck Civic Improvement League Records, 1908-1918. Manuscript #10060, State Historical Society of North Dakota, Bismarck.

<sup>244</sup> B. Terrell Hoyt to Mrs. C. M. Dahl, October-November 1910, Bismarck Civic Improvement League Records, 1908-1918. Manuscript #10060, State Historical Society of North Dakota, Bismarck.

<sup>245</sup> Ibid.

place. The fundraising advocacy for Riverview Park appears in the *Tribune* as early as May 7, 1910. On page 2, left center, following the headline “Believes in park,” two sentences read, “Thomas Leary is desirous of seeing Custer park be made a beauty spot in the city and donated and planted thirty fine trees yesterday. The donation is much appreciated by the ladies of the Civic league.”<sup>246</sup> Next to this story, a reader receives additional information of the booming and growing town of Bismarck. In addition to the landscaping of the first city park, a short story next to “Believes in park” tells of E. G. Patterson ordering six rail cars of lumber from the North Star Lumber company in Minnesota “for the new hotel” five blocks east of Custer Park. Another story above “Believes in park” told of the orchestra member Leader Lochner relocating to the City of Bismarck to “open a studio for the purpose of teaching pupils,” and to reach “surrounding towns with his orchestra to play at parties.”<sup>247</sup> The city was on the ascent.

Park fundraising continued. On April 13, 1911, the *Bismarck Tribune* on page 5 announces a headline “Custer Park Benefit” with a subheading that reads, “Many surprises will be sprung at minstrel show.” The social Darwinian “normalcy” of the times was reflected in this particular fundraising effort sponsored by one of the earliest iterations of a local chamber of commerce. The story informs readers, “All who attend the Minstrel performance given by the Commercial Club for the benefit of Custer Park will be pleased to hear the fine male quartette, Messrs. Chase. Halverson, Humphreys and Welch.”<sup>248</sup>

Three months later, on July 7, 1911, the *Bismarck Tribune* ran another story about Custer Park that applauded the “Busy Women Behind the Wheel” of the Civic Improvement League. The *Tribune* said the in-kind, un-paid work of this organizing committee “is composed of busy women, whose homes and families rightfully receive their first care and thought.” Mrs. C. M. Dahl, president

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<sup>246</sup> May 5, 1910, “Believes in park” *Bismarck Tribune*, page 2.

<sup>247</sup> May 5, 1910, “Placed lumber contract” and “Headquarters at Bismarck” *Bismarck Tribune*, page 2.

<sup>248</sup> April 13, 1911, “Custer park benefit” *Bismarck Tribune*, page 5.

of the Civic Improvement League and quoted in this article, said, “All of our undertakings are beset with many discouragements, yet we find that well directed, determined efforts accompanied with tact, bring results.” Dahl continued in the next paragraph, noting the intended alterations to the landscape through park beautification. “There is much greater need for the work in the treeless prairie state than where there are natural forests, parks and beauty spots.”<sup>249</sup> The eastern influences that Clell Gannon referred to in his manifesto for a regional northern plains architecture can be discerned in this writeup. Eastern settler colonizers equated parks with having trees. Making places required the planting of trees.

The park gained national attention in the July 1911 issue of *Suburban Life*, with an article titled, “Work for Civic Betterment in North Dakota.” Author Hugh Gordon says the Women’s Civic Betterment League “purchased a five-acre tract of land on the west side of Bismarck.” The land had “no trees except what the League plants and cares for,” so “the development of a park will be slow work.”<sup>250</sup>

Regionalism and place making is not nicely contained in time, although it remains in the same space. In 1926 Byrne’s *Soldiers of the Plains* exploded what he also called the “Custer Myth” in his April 1932 article in *North Dakota Historical Quarterly*, “The Custer Myth.” In the 1932 article, Byrne describes Custer as “somewhat of an autocrat, self-contained and a bit haughty.”<sup>251</sup> Byrne also makes note that the Federal government broke its own treaty and illegally assisted, with military escorts, Northern Pacific Railroad surveyors in 1872 and 1873 through “proper reservations” (General Sheridan’s words from his order of June 29, 1869). Of this, Byrne says it “does not appear

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<sup>249</sup> July 7, 1911, “Bismarck is given elaborate writeup in ‘Suburban Life’ – civic pride the inspiration” *Bismarck Tribune*, page 3.

<sup>250</sup> Hugh Gordon, “Work for Civic Betterment in North Dakota” *Suburban Life* (Harrisburg, Pennsylvania: July 1911), 32.

<sup>251</sup> Patrick E. Byrne, “The Custer Myth” *North Dakota Historical Quarterly*, Vol. VI., No. 3, April 1932: 187.

that any attempt was made to obtain the permission of the Indian for these encroachments; yet the treaty provided that no one should pass through without consent of the Indian people.”<sup>252</sup>

Historians today benefit from physically walking the urban and rural landscapes of the historiography they are researching and writing about. The substance of Byrne’s article and prose in the April 1932 issue of *North Dakota Historical Quarterly* is of importance and interest. Of equal interest is Byrne’s physical location, and the context of his surroundings, when he researched, wrote, and submitted for consideration of publication his *Soldiers of the Plains* in 1926 and, six years later, the April 1932 article, “The Custer Myth.” For Byrne, his residence was located in today’s Bismarck Cathedral District, a National Register of Historic Places district that recognizes the people, architecture, and the boulevard elm trees of Bismarck’s first affluent neighborhood.

A recap of the surroundings: Byrne lived at 120 West Avenue A, a block east of the personal residence of former North Dakota Governor, former US Secretary of the Treasury, and sitting North Dakota Supreme Court Justice John Burke. Byrne provided services as a personal secretary for Burke. From Byrne’s residence, if one were to walk two blocks south, one would come to the intersection of Mandan Street and West Rosser Avenue. Rosser Avenue was the namesake of General Rosser, who accompanied Lt. Col. Custer and surveyors of the Northern Pacific Railroad onto Indian reservation lands in eastern Montana from the years between 1871-1873. From this intersection of Mandan Street and West Rosser Avenue, if one walked two blocks west, they would arrive at Custer Park.<sup>253</sup>

While evidence of formal meeting minutes in any capacity that would officially change the name of Riverview Park to Custer Park have not been located, the namesake Custer Park was

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<sup>252</sup> Byrne, 1932, 189.

<sup>253</sup> Emily Sakariassen, “Prairie Vision: the Architect of Purcell, Feick, and Elmslie in Bismarck,” *North Dakota History: Journal of the Northern Plains*, 81, No. 3 (Fall 2016): 16-31. “Patrick Byrne House,” Society of Architectural Historians, visited on October 7, 2022, <https://sah-archipedia.org/buildings/ND-01-BL12>

established, normalized, and taken for granted. City groups continued to collaborate. Park evolution continued. On January 2, 1912, the *Bismarck Tribune* reported on the front page a headline of “Fine Skating: Rink at Custer Park Attracts Many Enthusiasts.” The short story noted “Despite the cold weather there are many people who are availing themselves of the opportunity to enjoy good skating on the Custer Park rink.”<sup>254</sup> A large number of skaters enjoyed the rink on New Year’s Day.

About a decade after its establishment, the official namesake of Riverview Park was completely forgotten. The namesake Custer Park was firmly entrenched. On May 17, 1921, the top fold front page headline in the *Bismarck Tribune* said, in all upper-case letters, “ELKS PROMISE CITY SWIMMING POOL.” The pond that landscape architect Hoyt initially called for at the south end of the park in 1910 would, it was proposed by the Bismarck Elks Club chapter, be replaced by a “swimming pool project that should have the heartiest support of the citizens.”<sup>255</sup> Children of the city would be able to enjoy this “first constructive step toward public recreation” as it would be “a community pool in every sense of the word and no hardship will be worked upon any, so widely will the load be distributed.”<sup>256</sup>

Advocacy for this swimming pool can be seen as a case study in settler colonizers place-making in urban areas on the northern plains. The case was made for safety. The May 17, 1921, article, in the second paragraph, says, “Every summer there is someone drowned either in the river or the creeks tributary to it. This pool should make for safety in the community and give the young people of the city as well as their elders a chance to indulge in aquatic [sic] sports.”<sup>257</sup> Amenities were developed and offered residents a greater quality of life in Bismarck. Yet the Custer namesake, and the larger remembrance of the US Ogeton Wars, from its earliest days, and through

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<sup>254</sup> January 2, 1912 “Fine Skating” *Bismarck Tribune*, page 1.

<sup>255</sup> May 17, 1921 “Elks Promise City Swimming Pool” *Bismarck Tribune*, page 1.

<sup>256</sup> Ibid.

<sup>257</sup> May 17, 1921 “Elks Promise City Swimming Pool” *Bismarck Tribune*, page 1.

examples of Byrne, Oyen, Gannon, Beede, and Marshal, proved that every generation continues to struggle with ways in which to remember the events. Custer Park, normalized as a namesake, would continue being a place of contention. One hundred years after the park's development, its namesake would again become front page news.

On December 17, 2019, *Bismarck Tribune* reporter Bilal Suleiman led with the headline, "Group wants to rename Custer Park near downtown Bismarck." The opening paragraph reads, "Two women representing themselves and others in the community who have a negative view of Lt. Col. George Armstrong Custer want the Bismarck park district to rename a park that carries his name."<sup>258</sup> Ali Quarne and M. Angel Moniz "brought the request to strip Custer's name from the park." Moniz, a tribal citizen of the Fort Berthold Indian Reservation, aka, the MHA Nation, and Quarne, a mother of two Native American children, wanted, Suleiman reported, "to try to get the park renamed to 'offer some cultural competency.'"<sup>259</sup> The namesake of "Custer" represented "a certain type of historical trauma that I think the rest of the community couldn't possibly understand." The goal was to "come together as one whole community and begin that healing process."<sup>260</sup> The Bismarck Parks & Recreation Commission tabled the renaming of Custer Park for further consideration.

Two days later, on December 19, 2019, the *Bismarck Tribune* reported that the Bismarck Park Board desired to "craft guidelines on acceptable city park names."<sup>261</sup> The 2019 discussion of Custer Park, and the competing interpretations of Custer, returned to several of the contentious themes

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<sup>258</sup> December 17, 2019 "Group want to rename Custer Park near downtown Bismarck" *Bismarck Tribune*.

<sup>259</sup> Ibid.

<sup>260</sup> Ibid.

<sup>261</sup> December 19, 2019, "Bismarck Park Board to craft guidelines on acceptable city park names" *Bismarck Tribune*. Link: [https://bismarcktribune.com/news/local/bismarck/bismarck-park-board-to-craft-guidelines-on-acceptable-city-park-names/article\\_790adfe9-4e13-564b-95d2-9f6753be00d1.html](https://bismarcktribune.com/news/local/bismarck/bismarck-park-board-to-craft-guidelines-on-acceptable-city-park-names/article_790adfe9-4e13-564b-95d2-9f6753be00d1.html)



that emerged 100 years prior at and around Custer Park singularly and, more broadly, around the competing interpretations and illustrations and narratives of the US Oceti Sakowin Wars. Questions emerged in 2019 as to whether park names should be changed. How would it be approached? What are other examples across the region and nation for this? Historians of the northern plains even got into the discussions. Some respectfully bowed out.

This returns to the introductory topic of this dissertation, the 2010 National Register discussion surrounding Whitestone Hill. As argued in this dissertation, individuals in the first and second generational wave of settler colonizers to the northern plains created intellectual works of public art, literature, architecture, and history, and through this they created and developed a sense of history that explained why the northern plains mattered. As it was in the first decades of the twentieth century, the intent to develop a sense of history was not always perceived in the way it was originally developed.

The 2010 draft and the 2013 revised and final draft of the Whitestone Hill nomination was approved and added to the National Register of Historic Places. A state legislator that lived within the vicinity of Whitestone Hill said in 2013, “the tribes and government are starting to trust each other more.” While this may have been the individual case and perception of one state policy maker, three years later, in 2016, the relationship between the tribes and government – North Dakota and the United States – was completely upended. The controversy surrounding the proposed and eventually installed Dakota Access Pipeline was heard around the world. Historians of the northern plains watched events unfold, wondering if those of us in the present were getting a fraction of a perception of what those first-person historical actors perceived from 1851 to 1891. “Perhaps this is the New US Oceti Sakowin Wars?” is what some contemporary historians wondered.

The future remembrance of the US Oceti Sakowin Wars is unwritten. Deliberate and incremental understanding can continue to result from the bandwidth created by such programs as

the NPS-ABPP. The struggle for all involved will be how to balance the much-needed research, writing and presenting with the deliberate listening to previously underrepresented and marginalized voices. One or two voices do not have to come at the expense of the others. Collaboration and listening remain more important than being right. There remains infinite time and space for the dialog to take place. This dissertation is a modest attempt to add a small fraction to that larger, ongoing discussion.

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APPENDIX

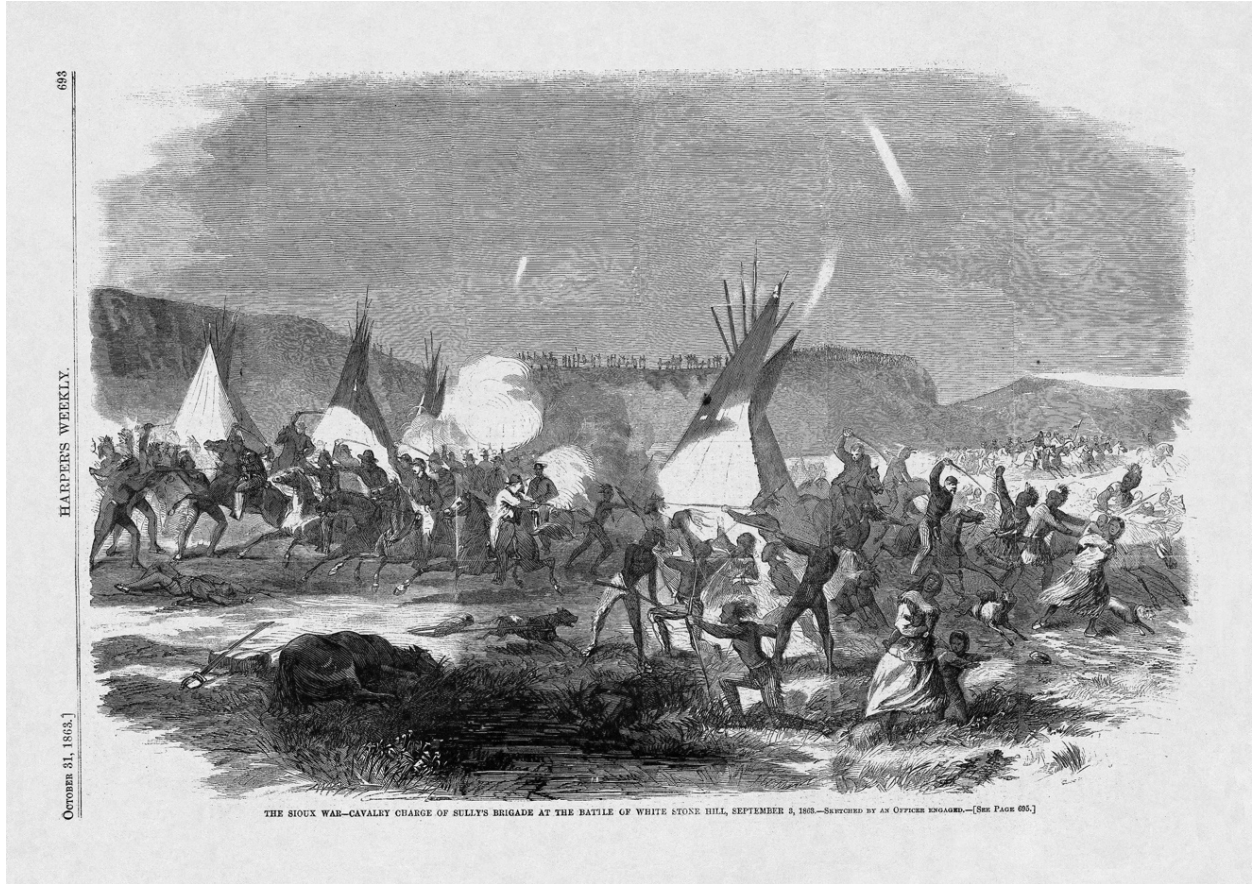


Figure A1. Sully's 1863 Whitestone Hill illustration.

Figure Note: The September 4, 1863 action at Whitestone Hill, published in Harper's Weekly, October 31, 1863.



Figure A2. N.D. U.S. Congressman Thomas Marshall.

Figure Note: Congressman Marshall with American flags surrounding his parade platform. Photo on file with the North Dakota Institute for Regional Studies in Fargo, North Dakota. Photo in collection, "Oakes, North Dakota Photograph Collection," Imprint 1880s to 1910s. Call Number Photograph 2037, File 1, v. 13294.



Figure A3. Whitestone Hill 1909 dedication.

Figure Note: Photo on file with the State Historical Society of North Dakota, Bismarck. Call number photograph 0739-v1-p61a Whitestone Hill Battlefield monument.



Figure A4. Dickey County Courthouse mural, west elevation.  
Photo courtesy of the author, 2012.



Figure A5. Dickey County Courthouse mural, north elevation.  
Figure Note: Photo courtesy of the author, 2012.





Figure A6. Dickey County Courthouse mural, east elevation.  
Figure Note: Photo courtesy of the author, 2012.



Figure A7. Dickey County Courthouse mural, south elevation.  
Figure Note: Photo courtesy of the author, 2012.



Figure A8. Whitestone Hill 1942 interpretive marker.  
Figure Note: Photo courtesy of the author, 2012.



Figure A9. Whitestone Hill 1987 interpretive marker.  
Figure Note: Photo courtesy of the author, 2012.



Figure A10. Whitestone Hill, southwest elevation.

Figure Note: Southwest elevation of Whitestone Hill monument originally installed by U.S. Congressman Thomas Marshall. Photo courtesy of the author, 2012.



Figure A11. Whitestone Hill, north elevation.  
Figure Note: Photo courtesy of the author, 2012.



Figure A12. Carl L. Boeckmann's 1910 Killdeer Battle.

Figure Note: Carl. L. Boeckmann, "The 8<sup>th</sup> Minn. Infantry (Mounted) in the Battle of Ta-Ha-Kouty" (Formal Title) painted in 1910. Upon its completion, this painting hung in the Minnesota State Capitol, St. Paul, Minnesota. The original is with the Minnesota Historical Society in St. Paul.



Figure A13. George Will, Russell Reid, and Clell Gannon.

Figure Note: Photo taken of George Will, Russell Reid, and Clell Gannon from the essay Gannon published, "*A Short Account of a Rowboat Journey from Medora to Bismarck.*" Photo on file with the State Historical Society of North Dakota, Bismarck.





Figure A14. Burleigh County Courthouse Vestibule.

Figure Note: Vestibule of the Burleigh County Courthouse, with Clell Gannon's murals surrounding top of vestibule entrance. Photo courtesy of the author, 2022.



Figure A15. Clell Gannon's 1930 "The Sibley Campaign 1863".  
Figure Note: Clell Gannon's 1930 mural painting of General Sibley's 1863 overland campaign in the entrance of the Burleigh County Courthouse. Photo courtesy of the author, 2022.