

# **Submission to North Dakota Public Service Commission**

By the Center for Heritage Renewal  
North Dakota State University

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Subject: Killdeer Mountain Battlefield  
**RE: Case # PU-11-696**

## **Abstract**

The Killdeer Mountain Battlefield, where Dakota and Lakota fighters fought the Northwest Expedition of Brigadier General Alfred Sully, is an exceedingly significant historic site worthy of preservation and respect. Unfortunately, proposals here under review call for a power transmission line to be built across the core of the battlefield. This is an unacceptable denigration of the integrity of the site. Further, the study documents on which the proposals are based are unacceptably deficient. The Center for Heritage Renewal applauds the heroic efforts of Basin Electric to build the infrastructure of development and life in western North Dakota. Its concern is with the heedless and needless destruction of heritage resources of incalculable value, specifically the historic site of the Battle of Killdeer Mountain, 28 July 1864—the Gettysburg of the Plains.

## **Center for Heritage Renewal**

The center was established by State Board of Higher Education on 17 May 2006. Its authorized mission is “to identify, preserve, and capitalize on the heritage resources of North Dakota and the northern plains.” The center is charged both “to assist state agencies, private organizations, and the people of the state and region in generating prosperity and quality of life from heritage resources” and also to provide “expertise and action in the fields of historic preservation and heritage tourism.” Because of its express mission and objectives, the Center for Heritage Renewal provides this submission to the Public Service Commission.

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## **Battle of Killdeer Mountain**

The Battle of Killdeer Mountain, also known as the Battle of Tahkahokuty, was the climactic engagement of the Dakota War in Dakota Territory.

During the summer of 1864 there commenced the gathering of native peoples at Tahkahokuty, a traditional encampment for the season, but one assuming military significance at this juncture of the Dakota War. Based on previous experience fighting columns of white soldiers, native strategists considered Tahkahokuty the best position for a confrontation with invading forces. First arrived Lakota elements, specifically Hunkapapas, including the young leaders Gall and Sitting Bull. Additional Lakota arrived: Sans Arc, Miniconjous, and Blackfeet. They all were moved to resistance by the trespass on their lands of white gold miners bound for Montana. Next came a large complement of Yanktonais, aggrieved over the assault by Sully on their encampment at Whitestone Hill the previous year. Finally, there was a group of Santee, largely Mdewakanton and Wahpekute Dakota, led by Inkpaduta, who had more experience fighting the whites than anyone else. Sully at one point estimated the number of fighters emplaced to confront him at Killdeer Mountain at 6000. More likely it was closer to 2000, with much larger numbers of noncombatants.

It might be asked, why were thousands of lodges of noncombatants in camp on Tahkahokuty, where the native strategists intended to fight? The answer is, General Sully was waging total war against them, the purpose being to crush them as a people, through destruction of their material goods and assaults on women and children. The Dakota and Lakota wished to fight Sully at Killdeer Mountain, and only the presence of their encampment would bring the enemy there to fight. Clearly, the native strategists expected to defeat Sully's army on this favorable ground.

After consolidating his forces at Fort Rice on the Missouri River, Sully and his Northwest Expedition of 1864 moved west to engage. Leaving some troops in camp on the Heart River, he led a strike force northwest to where his scouts told him the Indians awaited him. Sully's force comprised some 2200 men, augmented by scouts, mainly Yankton and Winnebago. His best troops were Brackett's Battalion of Minnesota Cavalry, men seasoned by eastern campaigns of the Civil War, remounted and issued new carbines, revolvers, and sabers for the expedition. Also with him were elements of the 6<sup>th</sup> Iowa Cavalry, the 7<sup>th</sup> Iowa Cavalry, the 1<sup>st</sup>

Dakota Cavalry, the 8<sup>th</sup> Minnesota Infantry, the 2<sup>nd</sup> Minnesota Cavalry, and two batteries of artillery comprising eight pieces, mainly 12-pound mountain howitzers.

It is important to establish who the combatants were, since these are the people who fought and died at Killdeer Mountain. The action that took place there on 28 July 1864 is well recounted in works listed in the bibliography—those of Clodfelter and Beck are standard accounts, with that of Beck the better. The best single narrative of the engagement, because it recognizes Indian agency and strategy, is provided by NDSU student Sara Sjursen and derives from a research seminar in spring 2013.

Sully divided his troops into two brigades and formed them into a phalanx, or square, to advance upon the native position on the slopes, his cavalry advancing dismounted, but re-mounting to counter native offensive moves. Dakota and Lakota fighters arrayed themselves in assault groups and attempted to break up the soldiers' formation, but were countered by effective use of artillery. The evident hope was to use the coulees and canyons of the mountain to advantage in order to stop the soldiers in their ascent toward the encampment, then engage in close fighting. Timed fuses on artillery shells made it possible, however, to hit native forces taking cover in the broken terrain. Nevertheless, the two sides were fighting to what amounted to a spectacular draw when Sully's forces raised the stakes of the battle: they turned the artillery on the women and children gathered on the mountain to observe the fighting. This caused the majority of the losses suffered that day and compelled precipitous retreat by the Indians. They evaded pursuit by evacuating northwest into the Badlands. The soldiers destroyed the encampment and the food and material left there. There were atrocities committed in the camp, including the killing of captured children by the Winnebago scouts.

The Battle of Killdeer Mountain was a defeat for the Dakota and Lakota. Although the Dakota elements thereafter were not able to muster effective resistance, the Lakota remained assertive and were not cowed. Soon after they would confront Sully's army again in the Battle of the Badlands, a touch-and-go engagement which the troops were fortunate to survive.

Due to reliance on artillery, soldier casualties at Killdeer Mountain were light, only five deaths, including two pickets killed as Sully withdrew from the scene of action. Indian casualties exceeded 100, likely were closer to the estimate of 150 given by Sully, and included a majority of noncombatants.

The areal extent of the Battle of Killdeer Mountain has been mapped by the National Park Service in its 2010 report on battlefields in North Dakota. Although many peripheral moves are yet to be situated with certainty, it is known that the main combat action took place rather precisely where submissions by Basin Electric plot a 345-kV power transmission line.

### **Significance of the Battle**

The points of historical significance associated with the Battle of Killdeer Mountain are many and cumulative, in sum making the Killdeer Mountain Battlefield the single most historic site in North Dakota. In the interest of conciseness, we list major points of significance here as numbered items.

1. This was the largest single military engagement ever to take place on the Great Plains of North America. It was a rare event for there to be massed forces on both sides in Indian-white conflict on the plains. No other single engagement matches Killdeer Mountain for fighters engaged on the two sides.
2. Killdeer Mountain was the place chosen by Dakota and Lakota leaders to confront the Northwest Expedition of Brigadier General Alfred Sully. Because it offered tactical advantages, this place was strategic ground. It was no accident the battle happened here.
3. The Battle of Killdeer Mountain was pivotal in the destruction of Dakota sovereignty on the northern plains and in the reshuffling of Dakota peoples into new aggregations based on defined reservations (Sisseton-Wahpeton, Standing Rock, Spirit Lake). Notwithstanding continuation of scattered hostilities, Killdeer Mountain brought concerted armed resistance by Dakota peoples to an end.
4. The Battle of Killdeer Mountain brought Lakota peoples to the fore in hostilities resisting white occupation of the northern plains. Within two weeks of the engagement, Lakota fighters would assault Sully's army again in the Battle of the Badlands. Their fight for their country would continue until the late 1870s, sequencing through what are commonly referred to as Red Cloud's War of the mid-1860s and the Sioux War of the mid-1870s.
5. The Killdeer Mountain Battlefield is a place of somber remembrance. Here United States soldiers fought and died. Here, too, more tellingly, Dakota and

Lakota defenders of their homeland fought and died, along with large numbers of noncombatants. This is a place of heroism and of tragic sacrifice.

### **Deficiencies of Process**

It seems sensible to ask how we have arrived at the point where an expertly managed and socially responsible firm such as Basin Electric is asking to build an intrusive power transmission line across the middle of the most historic site in North Dakota, a place properly considered a site of somber remembrance in honor of our dead, native and white. Once again we resort to numbered points for the sake of conciseness and clarity.

1. The cultural resource section of the environmental impact statement submitted to the Public Service Commission is grievously flawed. It is based on a preliminary report submitted to the State Historical Society of North Dakota by a consulting archeology firm. This report (SHPO reference 12-1016) purports to be a Level II and Level III survey of cultural resources in the project area. In fact, it does not even meet the minimal requirements for a Level I survey, because it lacks the required review of literature that guidelines say should precede and guide field survey work. Its bibliography is less than one page. (We include in our submission a three-page selected, preliminary bibliography of sources on the Battle of Killdeer Mountain, to show how much good source material was missed.) Because of the failure to conduct the literature search, the consultants omitted the Battle of Killdeer Mountain from their list of cultural resources in the project area. (The one-acre state historic site at the battlefield gets a mention, but not the battlefield itself.) No researcher went so far as to consult a county history, or even to conduct a Google search—which would have surfaced the National Park Service’s 2010 report on Civil War sites in North Dakota, with its color cover photo depicting Killdeer Mountain. These omissions of method and content in the preparation of information for submission to the SHSND and the PSC are unacceptable.
2. Indeed, the lack of a proper review of literature, which is intended to guide fieldwork, makes the whole survey suspect. Researchers entered the field unprepared for the material culture they might encounter and uninformed as to known historic sites.
3. The cultural resources report is mainly devoted to surface archeology, but its bibliography contains no works specific to the known resources of the region, such as Knife River Flint, to choose an obvious example.

4. The historical resources inventoried are mainly sites of agricultural settlement, but the bibliography contains no sources dealing with agricultural settlement or its material culture. Nor is there any evidence that historians were involved in evaluating historic resources.
5. Neither the cultural resource survey nor the environmental impact statement makes any mention of tribal consultations. People of the Sisseton-Wahpeton, Standing Rock, and Devils Lake reservations were directly involved with the Battle of Killdeer Mountain. Even if there has been some unrecorded contact with tribal historic preservation officers, certainly no one has told them of the intent to build a transmission line through the middle of the Killdeer Mountain Battlefield, because project studies have failed to note its existence. Other native peoples of the region, too, regard Killdeer Mountain as holding deep cultural significance. We do not presume to speak for them. We only note that they must be asked to speak to this issue.
6. Finally, the cultural resource survey on file with the SHSND is labeled “preliminary.” Thus project managers have come to the PSC for approval without having completed their homework.

In sum, the processes for survey and inventory of cultural resources have failed—they failed to locate the most salient heritage resource in the project area, and are deficient in other ways—and cannot be accepted as reliable by the PSC or any other authority.

### **Impacts of Basin Electric Proposal**

Cultural resource survey work on the project emphasizes surface archeology and only evaluates direct, physical damage that might be done to specific artifactual material. This completely misses the point in regard to a historic site such as Killdeer Mountain. The significance of the site is established and unquestionable. What the proposed project imperils is its integrity. Here is what the National Park Service says on the subject of battlefield integrity.

Significant changes in land use since the Civil War do diminish the integrity of the battlefield landscape. Heavy residential, commercial, and industrial development; cellular tower and wind turbine installation; and large highway construction are common examples of such changes. Battlefield landscapes

with these types of changes are generally considered as having little or no integrity.

In light of this statement, there can be little doubt that construction of a 345-kV power transmission line across the middle of the Killdeer Mountain Battlefield will leave it with “little or no integrity.”

This, too, falls short of stating the fundamental issue at stake. The Killdeer Mountain Battlefield is a site of remembrance, of heroism and tragedy, where our citizens, Indian and white, must be able to reflect upon our common heritage. A 345-kV power transmission line across the middle of this hallowed ground is disruptive and disrespectful. As North Dakotans, we must be better than this.

### **Conclusion**

Given the facts and circumstances stated above, we feel confident that Basin Electric, the people of North Dakota, and their Public Service Commission will do the right thing. Indeed, let this unfortunate episode be a lesson to us, and an occasion for respectful remembrance as we approach the 150<sup>th</sup> anniversary of the Battle of Killdeer Mountain, the Gettysburg of the Plains.

We would be remiss in our charge from the state board and in our responsibilities as public servants not to point out that the placing of this matter before the Public Service Commission at this time and in this form is cause for reflection and recalibration. The case exposes systemic flaws and fundamental deficiencies in our policies and procedures for heritage conservation, flaws and deficiencies that might go unnoticed for years or decades, but that become acutely obvious during a time of intense resource and infrastructural development. The Center for Heritage Renewal welcomes any opportunity to examine and remedy these flaws and deficiencies, which do not serve development well, and which place our heritage resources in peril. As responsible North Dakotans, we must, going forward, do better. Here and now, as practical North Dakotans, we need to solve this problem of a power transmission line proposed to run through the heart of the Killdeer Mountain Battlefield, indeed, through the heart of our heritage.

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