

A-Engrossed
Senate Concurrent Resolution 12

Ordered by the Senate March 29
Including Senate Amendments dated March 29

Sponsored by Senator GIROD

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Commemorates Modoc War of 1872-1873 and honors those who lost their lives.

Expresses regret [*over execution of Kintpuash and other Modoc warriors and*] for expulsion of Modoc tribe from Oregon.

CONCURRENT RESOLUTION

1
2 Whereas Kintpuash ("Strikes the Water Brushly") was born in about 1837 along the Lost River
3 in the ancestral territory of the Modoc tribe in southern Oregon; and

4 Whereas Kintpuash, also known as Captain Jack and Kientpoos, became a principal headman
5 of the Modocs by the early 1860s; and

6 Whereas Kintpuash was among the Modoc signatories to the 1864 treaty between the United
7 States and the Modoc, Klamath and Yahooskin tribes; and

8 Whereas the 1864 treaty terms required the Modocs to relocate from their ancestral lands to the
9 Klamath Reservation; and

10 Whereas Kintpuash and the Modocs initially complied with the 1864 treaty but became disillu-
11 sioned with conditions on the reservation and the unwillingness of the federal government to ad-
12 dress their grievances, and by 1870 many Modocs had returned to their villages along the Lost
13 River; and

14 Whereas longstanding tensions existed between the Modocs and the white settlers who neigh-
15 bored their ancestral lands, but many individuals, including Kintpuash, strove to achieve a peaceful
16 resolution; and

17 Whereas on November 29, 1872, the United States Army attempted to force the Modocs to re-
18 turn to the Klamath Reservation, resulting in the Battle of Lost River, with casualties on both sides;
19 and

20 Whereas the ensuing conflict became known as the Modoc War and, although it is little known
21 today, at the time it garnered national attention and thrust the border area between Oregon and
22 California into the spotlight; and

23 Whereas Kintpuash led the Modocs on a retreat to a traditional stronghold in the lava beds
24 south of Tule Lake, in northern California; and

25 Whereas a sizeable United States Army force attempted to dislodge the much-smaller Modoc
26 group, but their failure led the federal government to attempt peace negotiations with the Modocs;
27 and

28 Whereas during a truce period, on April 11, 1873, a group of Modocs led by Kintpuash killed

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 peace commissioner Reverend Eleazer Thomas and General Edward Canby, the highest-ranking
2 United States Army officer to be killed during the Indian Wars; and

3 Whereas hostilities resumed and the Modocs were decisively defeated in the Battle of Dry Lake
4 on May 10, 1873, scattering the surviving Modocs into small groups; and

5 Whereas Kintpuash was captured with his family on June 4, 1873, effectively ending Modoc re-
6 sistance; and

7 Whereas Kintpuash and five other Modoc warriors were tried by a federal military court, con-
8 victed and sentenced to death; and

9 Whereas two of the Modocs had their sentences reduced to life imprisonment, but Kintpuash,
10 Schonchin John, Black Jim and Boston Charley were hanged at Fort Klamath on October 3, 1873,
11 the first Indians to be tried and executed by the federal government for war crimes; and

12 Whereas the remaining members of the Modoc tribe, numbering approximately 150, were herded
13 into rail cars and sent as prisoners of war to the Indian Territory (Oklahoma); and

14 Whereas in 1909, after Oklahoma became a state, members of the Modoc Tribe of Oklahoma
15 were offered the opportunity to return to the Klamath Reservation; and

16 Whereas 29 Modocs returned to Oregon, and they and their descendants became part of the
17 Klamath Tribes; and

18 Whereas the Modoc War was at the time the most expensive hostile engagement by the United
19 States during the Indian Wars, both in terms of moneys spent and casualties suffered; and

20 Whereas Lava Beds National Monument preserves many of the battle sites of the Modoc War
21 in addition to portions of the Modoc ancestral lands that are relatively unchanged, including natural
22 features of the landscape, plants and animals; and

23 Whereas a memorial plaque in Gillems Cemetery in Lava Beds National Monument lists the
24 names of all those who died in the Modoc War: United States Army personnel, Modocs and civilians;
25 now, therefore,

26 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

27 That we, the members of the Eightieth Legislative Assembly, commemorate the Modoc War of
28 1872-1873, and we recognize and honor all those who lost their lives in that costly conflict; and be
29 it further

30 Resolved, That we express our regret for the expulsion of the Modoc tribe from their ancestral
31 lands in Oregon.

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