

**SCR 12 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Girod

**Senate Committee On Veterans and Emergency Preparedness**

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**Action Date:** 03/27/19

**Action:** Be adopted with amendments. (Printed A-Eng.)

**Vote:** 4-0-0-0

**Yeas:** 4 - Boquist, Monnes Anderson, Olsen, President Courtney

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** C. Ross, LPRO Analyst

**Meeting Dates:** 3/27

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**WHAT THE MEASURE DOES:**

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

**ISSUES DISCUSSED:**

- Different and changing perspectives over time concerning the conflict, its outcomes at the time, and continuing ramifications
- Testimony from descendants of those who survived being prisoners of war and who fought during the conflict
- Modoc warriors' and their families' fierce resistance against U.S. armed forces when outnumbered approximately 20-to-1
- Service of Native Americans in U.S. armed forces throughout modern history to date, at higher rates per capita than any other ethnic group, even in light of difficult and complicated government-to-government relationships with the United States
- Importance of apology and meaningful conversation

**EFFECT OF AMENDMENT:**

Removes language concerning sentences imposed.

**BACKGROUND:**

Kintpuash (“Strikes the Water Brashly”) was born in about 1837 along the Lost River in the ancestral territory of the Modoc tribe in southern Oregon. He was also known as Captain Jack and Kientpoos. He became a principal headman of the Modocs by the early 1860s and was among the Modoc signatories to the 1864 treaty between the United States and the Modoc, Klamath, and Yahooskin tribes. The 1864 treaty dislocated the Modocs from their ancestral lands to the Klamath Reservation. They complied initially but became disillusioned with conditions on the reservation and the federal government's unwillingness to address grievances. By 1870, many Modocs had returned to their villages along the Lost River, reviving longstanding tensions between them and neighboring white settlers. Many individuals, including Kintpuash, strove to achieve a peaceful resolution, but on November 29, 1872, the United States Army attempted to force the Modocs back onto the Klamath Reservation. The Battle of Lost River ensued, with casualties on both sides. The conflict became known as the Modoc War and, although it is little known today, it focused national attention on the area that is now the border between Oregon and California. Kintpuash led the Modocs in retreat to a traditional stronghold in the lava beds south of Tule Lake in northern California. A much larger United States Army force attempted to dislodge them, but failed. The federal government sought to negotiate. During a truce period, on April 11, 1873, a group of Modocs led by Kintpuash killed peace commissioner Reverend Eleazer Thomas and General Edward Canby, the highest-ranking United States Army officer to be killed during the Indian Wars. Not long after, on May 10, 1873, the Modocs were decisively defeated in the Battle of Dry Lake. Surviving Modocs fragmented and scattered.

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Kintpuash was captured with his family on June 4, 1873, effectively ending Modoc resistance. He and five other Modoc warriors were tried by a United States military court, convicted and sentenced to death. Two sentences were commuted to life imprisonment, but Kintpuash, Schonchin John, Black Jim, and Boston Charley were hanged at Fort Klamath on October 3, 1873; the first Indians to be tried and executed by the federal government for war crimes. The remaining members of the Modoc tribe, numbering only around 150, were herded into rail cars and sent to the Indian Territory (Oklahoma) as prisoners of war. In 1909, after Oklahoma became a state, 29 members of the Modoc Tribe of Oklahoma returned to Oregon.

At the time, the Modoc War was the most expensive hostile engagement of the Indian Wars for the United States, in terms of both the financial cost and the number of casualties. The Lava Beds National Monument preserves many of the battle sites, and portions of Modoc ancestral lands that are relatively unchanged. A memorial plaque in Gillems Cemetery in Lava Beds National Monument lists the names of all who died: United States Army personnel and civilians, and Modoc warriors and their families.

Senate Concurrent Resolution 12-A memorializes Kintpuash and the Modoc War of 1872-1873, commemorates the tragic loss of all life, and expresses regret for the expulsion of the Modoc tribe from their ancestral lands in Oregon.