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# WEEKEND BREAK

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‘The Modoc Indians in the Lava Bed,’ by William Simpson.

Mount Shasta Sisson Museum

# AN HISTORIC APOLOGY

## Resolution offers regret for execution of Modocs in 1873

By **CLAIRE WITHYCOMBE**  
*Oregon Capital Bureau*

**S**ALEM — Nearly 150 years ago, the nation’s attention was fixed on a remote area near the Oregon-California border, where 50 Modoc Indian soldiers were fending off a thousand U.S. Army soldiers from within a fortress of lava beds.

The Modoc War was a “David and Goliath war,” in the words of writer and historian Doug Foster. The six-month standoff that ended in 1873 was then the costliest American-Indian conflict in lives lost and money spent.

The war remains vivid in the collective memory of the Klamath Tribes, which include the Klamath, Modoc and Yahooskin Paiute Indians. Lava Beds National Monument has preserved battle sites from the war.

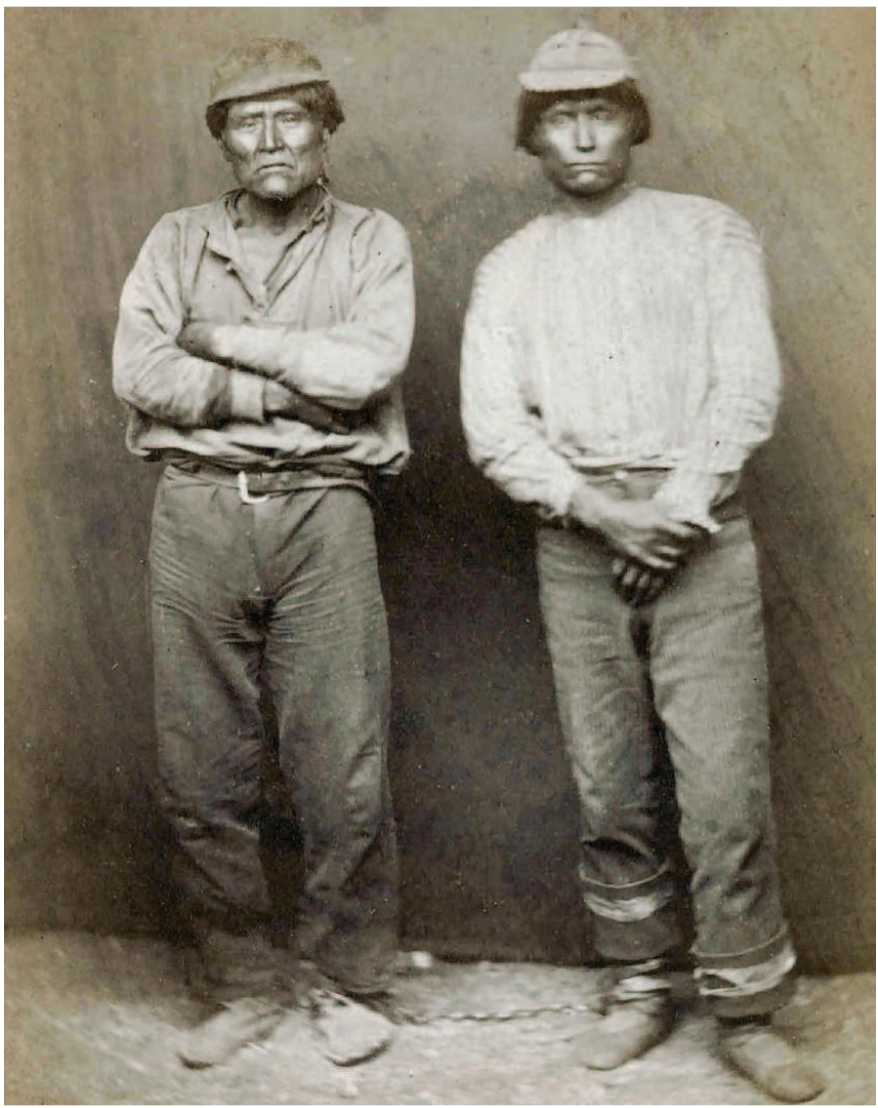
But state Sen. Fred Girod, R-Stayton, says broader awareness of the conflict — and subsequent execution of four Modoc Indians by the federal government — is needed.

Girod was so moved by a 2011 documentary by Oregon Public Broadcasting on the conflict and executions that he proposed Oregon express regret for the federal government’s execution of Modoc soldiers.

Senate Concurrent Resolution 12, which passed the Senate this week, states “that we, the members of the Eightieth Legislative Assembly, commemorate the Modoc War of 1872-1873, and we recognize and honor all those who lost their lives in that costly conflict; and be it further resolved, that we express our regret over the execution of Kintpuash, Schonchin John, Black Jim and Boston Charley in October 1873 and for the expulsion of the Modoc tribe from their ancestral lands in Oregon.”

Girod’s proposal surprised the Klamath Tribes. Girod represents a senate district east of Salem.

But they’re strongly in favor of the commemoration and apology.



**Capt. Jack in leg irons with his second-in-command, Schonchin John.**

Klamath County Museum

**“IT WAS SO WRONG, WHAT HAPPENED. AND, OK, IT HAPPENED OVER 100 YEARS AGO. THINGS WERE DIFFERENT. BUT I THINK YOUR EFFORTS TO RECTIFY THIS KIND OF THING ARE VERY VALUABLE.”**

**Cheewa James**, who was born on the Klamath Reservation and wrote a book about the Modocs

“Acknowledging the truth of wrongs done is a critical first step towards healing those affected,” wrote Donald C. Gentry, chairman of the Klamath Tribes, in a March 26 letter to the Senate Veterans and Emergency

Preparedness Committee.

### Trial and execution

In 1873, a military commission that included officers who fought the Modocs tried six Modoc fighters.

They were sentenced to death after being found guilty of killing two peace commissioners, General Edward Richard Sprigg Canby and the Rev. Eleazar Thomas, “under a flag of truce.”

While two of the fighters’ sentences were commuted, Kintpuash — known also as Captain Jack — and three other Modoc men were hanged at Fort Klamath, according to a 2001 article about the trial by Foster, published in the magazine Southern Oregon Heritage Today.

The three other men were known as Schonchin John, Boston Charley and Black Jim.

According to Foster’s article, the trial received substantial media attention.

Taylor Tupper, a public information and news manager with the Klamath Tribes of Oregon, herself a direct descendant of Captain Jack and Schonchin John, said the resolution initially came as a “complete surprise.”

Tupper says the Modoc warriors weren’t given a fair trial. Among members of the Klamath Tribes, their deaths are viewed as murders.

“They were tried by the very same people that they fought in the war against,” Tupper said. “And so when you have Modoc people dying after a war and no officers in the Army dying for the same things and same transgressions against the Modoc people, then that’s blatantly unfair.”

After the war, Capt. Jack’s band was forced to what is now Oklahoma, then known as Indian Territory.

The federal government recognized the Modoc Indians as a separate tribe in 1978.

In his letter to the committee, Gentry said that the Klamath Tribes do not speak for the Modocs of Oklahoma.

“Though we may share many of the lasting traumatic and devastating effects of the Modoc War and the acts of genocide that occurred before and afterward, they have lived and survived through adversity that the Modoc people who were allowed to stay in Oregon on the Klamath Reservation never faced,” Gentry wrote.

The Klamath Tribes include the other bands of Modoc Indians who remained in the area.

*See Apology, Page C2*