

A PRELUDE TO WAR:
THE BREAKDOWN OF MODOC-WHITE RELATIONS
WHICH LED TO THE MODOC WAR

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Prior to the Modoc War of 1872-1873, both white and Modoc antagonists made repeated attempts to cope with their mutual conflict. From the initial conflicts to the succeeding conferences, councils, and treaties, each side harbored dissatisfaction which, along with flawed execution, hamstrung these efforts. By the mid-1872, the Modocs no longer allowed discussion of the issues while the whites grew ever more impatient with the tribe.

War stemmed from the long term changes wrought upon the Modocs the failures of the attempts for peace. After initial contacts, the descent into war was largely a result of divisions within both the white and Modoc worlds and the resultant failures in carrying out the various resolutions. This thesis focuses on the issues and events which brought the United States into military conflict with the Modoc tribe of Oregon-California border.

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Introduction

On November 29, 1872 Captain James Jackson led thirty-nine United States cavalymen to the Lost River on the north side of Tule Lake. The Oregon Superintendent of Indian Affairs, T. B. Odeneal ordered Jackson to drain a long festering boil in American Indian Policy by arresting Captain Jack and other leaders of the Modoc tribe. Since signing in 1864, the Modocs refused to abide by the unacceptable Council Grove treaty which removed them from their homeland on the Oregon-California border and placed them in Oregon on the Klamath Reservation. Already several attempts to return the tribe to the reservation had met with failure, but Jackson hoped to quietly secure custody of the Modoc leaders in the early morning and then coax the remaining Modocs to acknowledge the Council Grove treaty. Instead, the arrest attempt devolved into a disorganized free-for-all in which three soldiers and a Modoc warrior died as the Modocs dispersed into the woods.

In another village across the Lost River, a group of Modocs bested a makeshift force of Oregon volunteers led by Oliver Applegate, son of Jesse Applegate, a nearby rancher. In the fight, a bullet pierced a Modoc woman and her infant, killing both. In retaliation, the Modocs, accompanied by the shaman, Curly Headed Doctor, murdered fifteen white men and boys as the band made their way around the east side of Tule Lake to the Lava Beds. There the Modocs gathered in their traditional stronghold on the Lava Beds and prepared for war.

The Modoc War of the winter of 1872 and 1873 culminated attempts to resolve the long-standing tensions between white immigrants and the Modoc inhabitants of the Oregon-California border region. Holding out in the natural fastness of the Lava Beds, the Modocs repeatedly battered an army led by Civil War veterans. In January 1873, the Modocs beat off a concerted, two-front attack and then strung along a government peace commission, duped and murdered General E. R. S. Canby and another member of the said commission on Good Friday, and, shortly after, slipped out of a closing military noose. Before finally scattering after their only defeat in May at Sorass Lake, the Modocs raided an Army supply train and slaughtered a forceful Army reconnaissance. After the Sorass battle, the Modocs split apart. Those Modocs who committed the Tule Lake murders at the inception of hostilities, turned coat for amnesty and hounded out the remaining Modocs, finally capturing Captain Jack in June.

Captain Jack had murdered General Canby and the government recognized him as the leader of the Modocs who rejected the Council Grove Treaty and prosecuted the war. At Fort Klamath, the Army tried Jack along with three other Modocs who had fought the government. In his mid-thirties and known as Kientpoos in his tongue, Jack was quickly found guilty and sentenced to be hanged. The October 3, 1873 hanging of Jack and the three other Modocs ended the overt tensions which had built between Modocs and whites since the first Modoc-white contacts, tensions which had undermined attempts for peaceful settlement.

Early contacts with the whites effected vast and rapid alterations upon the Modoc world. The trauma of the vast changes wrought on Modoc society by the coming of the

whites, first through trade and disease and later through the direct pressures of immigration and settlement, drove Indian and white into direct conflict and battle. As the tit-for-tat of Modoc raid and white retaliation ground down the tribe's will and ability to resist, many of the tribe began to seek a settlement more peaceable than the early attempts to drive the whites away. This Modoc desire coalesced as whites began to demand the opening of the Modoc lands to settlement.

In 1864 as the attempts got underway, white bungling killed an unofficial treaty which allowed the Modocs a modicum of their homeland. In the same year an official treaty placed the tribe on a reservation entirely on Klamath lands, exacerbated divisions within Modoc society and rent the tribe between those who accepted reservation life and those under Captain Jack, who immediately repudiated the treaty in 1865 and tried to renew the traditional lifestyle in their homeland.

Over the seven years following Jack's desertion of the Klamath Reservation until the renewal of open war in 1872, whites sought to settle the impasse with various options. The delay only strengthened the Modoc resolve to remain off the reservation and added influence to the traditionally strong Modoc shaman who refused to return to the Klamath reservation. In 1872, however, the government finally decided to stick to the official Council Grove treaty. When the government representative, Superintendent Odeneal finally acted to force the Modocs' compliance with of Council Grove, he not only did not take into account the tribal resolve, but he also sent Captain Jackson with insufficient force to deal effectively with the well armed Modocs. This serious blunder propelled the

United States and the Modocs into a protracted war which embarrassed and sullied one and destroying the other.

Until this point, scholarship has focused on the Modoc War itself rather than the repeated breakdowns in Modoc-white relations which led to that war. Keith Murray, in his The Modocs and their War, after a brief discussion of the web of events which precipitated, or rather re-ignited hostilities, ably recounts the excitement and drama of the fascinating war. Alfred B. Meacham, scalping victim and survivor of the Good Friday Peace Commission murders, showed incredible forgiveness in his Wigwam and Warpath, in which he tells of his personal experiences as superintendent and Peace Commissioner. Unfortunately, though not denying the value of his firsthand account, his strong pro-Indian bias renders the work unbalanced and he lays most blame upon white actions. Other references to the events, as in Hubert Howe Bancroft's, The History of Oregon, or the various articles speak of the conflicts and the lack of justice on the part of whites without actually highlighting the points of breakdown which enabled war to proceed. The hope of this work is to shift focus from the war to the historical flows and specific events which brought hostilities between the Modocs and the United States.

This work focuses on the breakdowns in Modoc-white relations and the few instances of hope for a resolution which would have possibly avoided war. Turning to the long history of unstable relations between the two cultures, beginning with the first interminglings through trade and moving ultimately to the bungled enforcement of the Council Grove Treaty, the thesis highlights the missed opportunities for the avoidance of

war. In so doing, the reader can decide how and whether war, the Modoc War or any other war, and the violent subjugation of cultures can be prevented.

Historians like to think their purpose to be the telling of the human story so as to emulate the successes and to avoid the pitfalls of our predecessors and thus aid the supposed potential for human improvement of man. If the goal is to learn from our mistakes and avoid them in future, similar situations then the focus on human conflict as the greatest of human blunders would be just. Unfortunately, the actual war becomes the most captivating of human dramas and military history spans the pages of volume upon historical volume. Due the focus upon the physical conflict itself, the implicit goal, the underlying motive of military histories, with the stated purpose of history in mind, becomes how to better prosecute, rather than how to avoid, future war. By continually studying war, the historian highlights the successes or failures of generals, the inadequacies of technology and the consummate waste. The lessons become how to mimic the victor, improve the killing machinery and thus wage a more efficient war. If, as the general consensus agrees, war is the gravest of human bungs, then the focus upon the actual conflict strays from the more valuable lessons which can be found in the preludes to war, lessons which, if the goal of history is at all realistic, may prevent future conflict. By instead studying the suction into martial conflagration rather than the flames themselves, the reader can, if at all possible, avoid being burned.

Emphasizing the plunge towards war with the Modocs, this thesis will, hopefully, allow the reader to decide whether such a war and the succeeding military subjugation of the Modocs was preventable or inevitable. If the Modoc War was indeed avoidable, then

how can the missed opportunities for peace, viewed through hindsight's 20-20 be applied to similar situations in the future? From the narrow lessons of a small conflict, perhaps, humans can learn to actively wage peace rather than war.

Landscape and Subsistence

The ancestors of today's Modocs and the neighboring Klamaths settled the region together in the fifteenth century.¹ By 1780, the Modocs had branched into a way of life distinct from the Klamath.² While the Klamaths spanned to the north in greater numbers, the Modoc group straddled the current Oregon-California border and numbered an estimated 400 to 800 persons in 1800. Prior to white contact, the Modocs ranged across five thousand square miles of the Lower Klamath Basin.

Broken into localized bands the Modocs lived in twenty seasonal villages scattered throughout the region. Each village had roughly a half dozen wickiups or semi-permanent homes built of tule reeds. The huts were built above shallow pits no more than three feet deep and with a ten to twenty foot diameter. A center pole supported tule reeds which served as both wall and ceiling by leaning inward from the pit edge to center pole. A hole at the apex of the ceiling served as both chimney and entrance via a ladder. Four of these villages lay around and south of Lower Klamath Lake, four more villages scattered up the Lost River, three on the Sprague River, seven sat around Tule Lake and one each could be found at Willow Creek and on the site of present day Klamath Falls, Oregon.³

¹ Keith A. Murray, The Modocs and their War (Norman, OK.: University of Oklahoma Press, 1959), 9.

² Ibid., 8.

³ Ibid., 9.

The Lost River, along which the Modocs made their homes empties into Tule Lake. The lake is one of three lakes into which the Klamath Basin dumps the limited runoff. Including Upper Klamath to the north and Lower Klamath to the west, tectonic pressure formed these large shallow lakes by forcing land to rise along fault lines. The effect was much like the raising of steps from the floor on an upward bound mall escalator. Escarpments rose abruptly hundreds of feet, with precipitous drops, damming streams and forming lakes. Such an escarpment bounds the west edge of Tule Lake.

In the Lava Beds, south of Tule Lake, the Modocs later made their final stand as conflict with the whites rose to fever pitch. There, barren black carpets of lava sprawl in frozen flows, interspersed with cinder buttes which rose layer upon layer from the tortured earth. From Schonchin butte, south of Tule Lake and centrally located in the lava beds, the escarpment can be seen extending abruptly from lava flow and lakeside to a raised plateau and beyond, in the distance, yet another ridge rising from the ground and faced by the waters of Lower Klamath Lake. Buttes and ridges intersperse the scope of the vista across basin while directly below, collapsed lava tubes run like massive gopher tunnels exposed by some giant spade. Though to the north of Tule Lake the more benign plains are visible, the rugged vulcan landscape attests to the activity which drew two eras of settlements to a close, circa, 5500 B.C. and 2000 B.C.⁴

The Modocs found significant subsistence in the migrating waterfowl who still use the lakes and wetlands of the basin as waysides on long seasonal flights. In the autumn, birds blanket the lake surface in such thickness that it is tempting to try hopping across

⁴ Ibid., 8.

their back from the Lava Beds to the mouth of the Lost River. Sound travels crisp and clear. When eyes try to follow ears, the honking and calling of vast flights of moving fowl confuse distance and direction. The crisp air widens sinuses to deep pungent breaths of desert sage and mountain juniper. Come evening, coyote voice in dusk light and large mellow hare hop about, languidly munching on clumps of tan grass.

The arid climate of the basin allowed the Modocs only limited and fragile food supplies. Marked by short growing seasons, the summers blaze in contrast to the harsh, cold winters. The west edge is the only area which gets sufficient rain while to the east the smaller valleys retain localized collections of water. One Indian Agent described the basin as a “high, cold plain ... too frosty to raise cereals or roots with success, and fit only for grass.”⁵ In short, the climate of the basin placed limitations upon how well the Modocs subsisted.

The Modocs survived by gathering sustenance and hunting game on the land and the lakes around them. They practiced no form of agriculture or stock raising and instead drew all subsistence directly from the surrounding countryside. The staple of Modoc diet was the seed of the wocus water lily. Paddling in rough dugout canoes or on rafts of tules, they gathered the lily from Tule and the Klamath Lakes. The seeds were ground, dried or roasted on an open fire or cached raw for winter and later used in cakes and soups. The Modocs supplemented the diet with fish, deer, antelope, mountain sheep, small animal, and water fowl. They gathered eggs from the abundant water fowl and the

⁵ Report of the Commissioner of Indian Affairs for the Year 1864 (Washington D. C.: GPO, 1864), 265.

unhatched chicks seem to have been somewhat of a delicacy.⁶ The Modocs hunted land game with bow and obsidian tipped arrows. Wide dispersion through their territory enabled the tribe to maintain a delicate balance of subsistence.

The winter of 1830 demonstrated the fragility of subsistence, when the big snows obscured caches from searching families and starvation decimated the population. That winter, related later to whites by survivors, was particularly harsh. Only the winter misfortune of a antelope herd falling through ice saved the Lost River band from total devastation. The trapped deer provided enough venison to carry the Modocs through the lean times.⁷ Later, one soldier would attest to the harsh winters in a letter home during the war, "I never spent such an intensely miserable night, ... I nearly froze to death and my sleep was anything but a peaceful one."⁸ As soon as whites began to tax the natural resources of the land, the delicate balance of Modoc subsistence would be severely strained.

Modoc Society

Prior to white contact, Modoc society had been relatively egalitarian. The family was the basic social unit and prominent individuals exerted influence by gaining reputation through word and deed. Elders had the influence and respect due to age, while the

⁶ Honorable Alfred B. Meacham, Wigwam and War-Path: or the Royal Chief in Chains (Boston: John P. Dale and Co., 1875), 282. As a source, Meacham's reliability can be a bit shaky. A staunch advocate of Indian reform, he tended to write with a melodramatic bias to elicit sympathy for the Indians. He was, however, an eyewitness to many of the key events as both Oregon Superintendent and member of the Peace Commission which worked for a nonviolent settlement during the war. I find his direct observations far more valuable than his judgments and try to limit my uses of him to the former.

⁷ Murray, 11.

shaman exerted further pressure through his or, more rarely, her influence upon the spiritual powers. Though Meacham stretches it a little when he states, “these people are democratic,”⁹ the three hundred-odd signatories on the treaty at Council Grove attested to a community level decision making process.

Modoc religion was based upon the belief in a great neutral power from which all things came. This power could be influenced for good or evil by spirits and individuals and the Modoc creator, Kumokums or Kumush, used this power to draw the world from mud at the bottom of Tule Lake.¹⁰ Jeremiah Curtain who gathered Modoc legends at the beginning of the twentieth century stated in his preface, “We cannot estimate the love an Indian has for his country. His holy places are not in far-off Palestine; they are before his eyes in his own birthplace, where every river, hill and mountain has a story connected with it, an account of its origin.”¹¹ Because Kumush had made Tule Lake the point of the world’s origin, Modoc religion tied the tribe directly to the land. Spirits and individuals, too, could influence this power.¹²

Modoc mythology spoke of several spirits who held prowess in gambling or other deeds while an individual Modoc might also become endowed with a specific power.

Dreams or visions rendered males and females with influence over particular skills such as

⁸ Harry D. Moore, Personal letter from the Lava Beds during the Modoc War (29 April 1873), Lava Beds National Monument, Tulelake, Ca., acc# 41. Several years later, this same soldier drowned himself in a creek near Fort Klamath.

⁹ Meacham, 355.

¹⁰ Alice Marriott and Karol Raichlin, *Indian Mythology* (New York: Thomas Crowell Co., 1968)44.

¹¹ Jeremiah Curtain, *Myths of the Modocs* (Boston: Little, Brown, and Company, 1912), vi.

¹² Thomas Buckley, “California and the Intermountain Region,” *Native American Religions: North America* ed. Lawrence E. Sullivan, (New York: MacMillan Publishing Co., 1989), 76.

hunting, fishing, gambling, etc. Once discovered, an individual used prayer and ritual to influence the power to achieve success at the particular task for which they had been gifted. Shamans were able to exert additional influence.

Either directly or via a spirit intermediary, shamans gained knowledge of their particular power like other Modocs, through vision questing or dreams. Upon discovery, they often entered into an apprenticeship with a known shaman in order to, ideally, harness their spiritual powers to cure disease. Since Modoc medicine rested on the assumption that sickness other than a common cold was a result of either bad spirits being sent into the victim's system or of the abduction of the victim's soul the job of the shaman was to drive away the bad influences or to fetch back the soul. Unfortunately for the shaman, if he (or she) failed and the patient died, the tribe assumed that the power or spirits had been deliberately influenced to extend the illness for further payment or to bring about the death of the patient. Malpractice litigation usually took the form of killing the shaman. Drawing livelihood by charging for cures enabled shamans to stay at home.¹³

In the pre contact world of Modoc politics, the shaman , though not necessarily having the last word in a decision, exerted greater influence upon the tribe due to his connection to the spirit world. Because a shaman had this greater influence over this power which could be influenced for beneficent or malignant purposes, whether through leverage of fear or trust of insight, he or she was more persuasive in the tribal decision making process. In either case, the shaman was not a leader in the true sense of the word, merely a highly influential individual.

¹³ Ibid, 78.

The Influences of Early White Contact

The most influential early changes wrought upon the Modoc world came with white trade and white diseases. With the exception of several Modocs who visited the Oregon trade hub at The Dalles in 1835 or the occasional trade sweeps of the Hudson's Bay Company, the tribe had little direct contact with the whites. Instead, the Modocs worked through middle man tribes, trading Indian slaves for goods and horses. In the evolving economy, horses were traded for slaves captured on raids upon neighboring tribes.

Though occasional American forays, such as that by Lewis and Clark in winter of 1804 and 1805 or John Jacob Astor's Pacific Fur Company from 1810 to 1812, would wend their way through Oregon, during the early 19th century, the Oregon Territory was basically a British playground. In 1818, the territory, including the Klamath Basin, fell under the joint occupation of Great Britain and the United States. In practice, the region remained under British administration in the form of the Hudson's Bay Company with the "Father of Oregon," John McLoughlin at the helm.

Headquartered in Vancouver, McLoughlin sent the trade and trapping missions across the Northwest in sweeps which opened white eyes to an unknown land. From 1825 to 1840, regular sweeps into California and back gave the tribes of southern Oregon their first direct contacts with the white man. Goods brought by McLoughlin's traders slowly made their way into the daily life of the tribes and though the British influence

waned quickly during the 1840's, the influences of their trade wrought the first permanent changes upon the Modocs.

After the several Modocs visited The Dalles in 1835, horses rapidly became the primary object of trade. In order to tap the horse trade, the Modocs established a reputation as tough slave raiders. Preying on the neighboring Pit River Indians to the east and the Shastas to the west, the Modocs executed brutal surprise assaults. Leaving the elders dead or scattered, the warriors took the youth to trade with tribes such as the Klamaths or those from the Warm Springs group. Starting in April, the tribes gathered at Yainax Butte to the west of Upper Klamath Lake to swap wares every few months. There, a Modoc could obtain as many as five horses for a pretty girl or one for a boy.

In garnering horses, the men were able to gain material proof of their battle prowess. The warriors who braved the most in raids, captured more slaves and thus gained more horses through trade. Furthermore, effective trade skills gave a man increased ability to acquire horses. Those who went out and captured slaves acquired prestige and the material goods and clothing of the whites. Furthermore, the bolder a man, the further afield he traveled in pursuit of hunt and trade. Later, "when the whites came to sign treaties and recognize 'chiefs,' they would take the younger men whom they knew."¹⁴ In consequence, these would become recognized as "chiefs" by the whites through repeated interaction. In regard to tribal standing, however, within the Modoc tribe, they often remained mere representative spokesmen, and chiefs remained an external contrivance for interaction with whites.

¹⁴ Murray, 13.

In tribal gatherings, Modocs shamans remained more influential than in other tribes who had more direct early contact with whites. Because the Klamath basin was the last region to be settled and because the Modocs traded most often through other tribes serving as middle men, "Modoc 'chiefs' never became as powerful or as different from commoners as Klamath 'chiefs'; and at the same time Modoc shamans remained the more powerful, more aggressive, more hated and feared among the Modoc than among the Klamaths."¹⁵ Even as late as the 1870's, Captain Jack was no more than "representative chief,"¹⁶ who often swayed under the influence exercised by his shaman, Curly Headed Doctor. Though the Modoc shaman remained more influential in tribal affairs relative to the shamans of neighboring tribes the threatened erosion of power would push him to resist white encroachment. In the meantime, however, the onslaught of the white diseases augmented the changes already underway.

As with all native populations in the New World, those of the Pacific Northwest would be decimated by imported diseases. The effects cannot be overstated. Prior to 1781, the Northwest Indian population numbered 75,000 to 100,000; by 1831 miscellaneous diseases would reduce it to 15,000 to 20,000.¹⁷ Further devastation came when the first major smallpox epidemic broke out between the years 1836 and 1838. Probably brought by Russian trade ships plying the west coast out of Alaska, smallpox

¹⁵ P. Nash, "The Place of Religious Revivalism in the Formation of the Intercultural Community on Klamath Reservation," Social Anthropology of North American Tribes ed., Fred Eggan, (Chicago: The University of Chicago Press, 1955), 382.

¹⁶ Meacham, 355.

¹⁷ Leslie M. Scott, "Indian Diseases as Aid to Pacific Northwest Settlement," Oregon Historical Quarterly 29, no. 2 (June 1928), 149.

ravaged the valleys of the Umpqua and Sacramento Rivers.¹⁸ Though the Modocs were bypassed by the smallpox epidemic of 1836, the disease hit in 1847, when it erased between 25 and 50 percent of the Modocs.

The impotence of shamans in the face of the new sickness undermined their prestige as disease hammered a disproportionate numbers of the elders. Shaman prestige reduced, and the respected influential elders reduced, the surviving youth remained as the only effective segment of Modoc society. The 1847 epidemic came at a time when whites entered the region in ever increasing numbers. The Applegate Trail had been blazed the previous year and the first immigrant trains were entering the country on their way to the fertile Willamette. If the winter of 1830 displayed the fragility of the Modoc world in a relatively undisturbed state, the disruption of hunting grounds and strain brought upon the land by more permanent settlement would be greater and exacerbate the traumas already inflicted.

American Influx and Impact

Settlement came Oregon in 1834, when Jason Lee led a party of American Methodists in established the future state's first agricultural community. Besides opening up the region to agricultural arts, the community gave leverage at the negotiating table with Britain when discussing the future of the valuable territory. By 1840, Lee's community of geopolitical squatters was well underway while Britain had only the post at Vancouver. In 1846, the two governments finalized the territorial future by extending the

¹⁸ Robert T. Boyd, The Introduction of Infectious Diseases among the Indians of the Pacific Northwest, 1774-1824 (Seattle: University of Washington Press, 1985), 166.

49th parallel westward from the convenient precedent established in the agreement over the northern border of Minnesota. When the Mexican Cession of 1848 secured California for the United States, all of the Modoc land officially opened to American settlement. During the 1840's, the westward American movement accelerated rapidly.

Drawn by land and gold, American numbers boomed up and down the Pacific coast.¹⁹ In 1843, the doomed Marcus Whitman guided 1,000 people in the first mass immigration westward. By 1845, 6,000 Americans, including the ubiquitous Applegates, transplanted themselves onto the western frontier. The 1850 census told of 13,000 settlers in the territory. In the same census, after two years of Gold Rush, California's population had swollen to 93,000. In the twenty years following 1840, 53,000 would settle in Oregon and 200,000 in California. Although the Klamath Basin was the last area in Oregon to be settled, these vast numbers, from both states, began to spill over into the region.

In 1846, the brothers Lindsay and Jesse Applegate blazed a backdoor route from Fort Hall, through Modoc country, into the south end of the Willamette Valley. With a third brother, the Applegates settled Oregon in 1845. They played an active role in early Oregon politics and along with Jesse's son, Oliver, and Lindsay's son, Ivan, the two brothers became key players in the drama which unfolded in the Modoc country.

Leaving The Dalles on June 20, 1846, Lindsay and Jesse Applegate sought to explore the land between Goose Lake and the Humboldt River for an alternate route into the Willamette Valley. The party reached Tule Lake on July 6 and uneventfully passed

¹⁹ These numbers also included a wide range of multi-national workers. Treating that subject would open up another large, but assuredly fascinating can of worms, so I won't go there.

through and out of Modoc country. That autumn for the return trip, members of the party led the first emigrant train from Fort Hall to the Willamette via the Applegate Trail. Though moving rapidly out of the Basin, this and other early trains disrupted the delicate balance of subsistence for a tribe already rocked by disease and uncertainty. The newly blazed trail increased pressures upon the Modoc homeland, as the vast pincer of settlement began to close from the north via the settlements in the Willamette Valley and from those in the south up the Sacramento. American mining in the area brought further pressure.

By 1850, with most of southern California claimed, miners turned northward to the region straddling the Oregon-California border and grubbed in the mud and rivers like raccoons captivated by the shine of a mysterious object. In March 1851, gold was discovered near present day Yreka. Placer mines were soon scattered through the hilly ruggedness on the south side of the Siskiyou Mountains. Miners eroded hillsides and choked the stream-bed fisheries with muck and the Yreka mining camp transformed into a thriving town which engaged in commerce with the miners and neighboring Indians. Here the Modocs would learn the white ways first hand, bartering for goods, working as servants, or prostituting or selling their sisters and daughters to the miners. Here, too, the Indians would later find much of their support.

In the Klamath Basin, the first white settlement waited until 1863. That year, George Nurse staked a claim at a ford on the Link River just south of Upper Klamath Lake. The town which grew around his claim became known as Linkville and later Klamath Falls. The same year Jesse Applegate staked a ranch north of Goose Lake on the

east end of the Modoc range.²⁰ Others too, would be drawn to the basin in search of pasture lands, farms and gold.

By the time the immigrant traffic increased and miners began a more permanent residence in the region, the Modocs already lived in an unstable world. As the sporadic European influx increased with America's entry into the region, so too did the effects upon the Modocs' world. The early entrants had brought goods and disease which wrought deep and subtle change upon society. The increasing white presence and settlement accelerated the processes already begun, placing physical strain upon the Modocs' very ability to subsist.

The tribe lived in a very distinct territory whose environment had given it a careful balance of resources from which it could draw subsistence based on the methods which it employed. As "territorial hunter-gatherers, it was imperative for their survival that they establish tribal boundaries and then vigorously defend those boundaries against all outside intrusions."²¹ Even though initially the whites merely passed through on their way to settle the Willamette valley, they severely taxed the local resources. Though the Applegate Trail guided a only a small proportion of wagons along its ruts, at points in the Great Plains, the Oregon Trail was a forty mile swath of erosion and overgrazing and as the immigrants advanced westward, stumps marked timber which had fueled camp fires at wagon stops and mud clouded streams where livestock came to water. The Modoc country did not witness the vast numbers which traveled other parts of the immigrant

²⁰ Nash, 384.

²¹ Thomas H. Hunt, "Anatomy of a Massacre: Bloody Point, 1852," The Journal of the Shaw Historical Library 7 (1993), 29.

roads, but the Klamath Basin felt the effects on a smaller scale. In the Modoc case, the land itself could only sustain a limited population by the means which the tribe employed.

Miners and settlers increased the impact by remaining on the land. In the 1850's, the runoff from placer mines began to carry pollutants into lake and stream. Later, with the first ranches and farms in the 1860's, fences to restrain cattle sectioned off land where game once ranged. Because Modoc hunters were forced to travel further afield to find sustenance, the Modocs began to resist the white presence. Thomas Hunt sums up the reason for the violence of the Modoc reaction; "To pass through the region was to disrupt to some extent the delicate balance of man to nature and to violate jealously guarded tribal territorial rights; to settle was to offer permanent umbrage and threat."²² With society upturned and sustenance jeopardized, the surviving Modoc youth were forced into banditry of a form, stealing cattle to replace antelope and deer while also attempting to drive away the harbingers of these blights.

Bloody Point and White Retribution

Beginning in 1846, the increasing traffic brought inevitable conflict and the Modoc country wove itself into the tapestry of legend as the tribe sought to defend its life and land. Later, in 1869, Old Schonchin, Modoc chief on the Klamath Reservation, told the Oregon Superintendent of Indian Affairs, Alfred B. Meacham, "I thought, if we killed all the white men we saw, that no more would come."²³ According to official Oregon

²² Ibid, 29.

²³ Meacham, 297.

counts, in their attempts to drive off the whites between 1834 and 1857, the Modocs the tribe killed 242 immigrants.²⁴

The Modocs focused their attacks where the Applegate Trail met the northeast corner of Tule Lake after dropping twenty-odd dry miles down out of the Goose Lake area. There, already exhausted from a two-thousand mile cross-country trek, emigrant trains would stop and rest and water up for the last leg of the journey to the Willamette Valley. Unfortunately, opposite the lakeside of tule reeds and above the little bit of land upon which most camps were pitched sat a hard slope strewn with rocks. The spot on which the immigrants wearily plopped was ideal for ambush and became known as Bloody Point.

In the spring of 1852, which became the most infamous year in the Modoc country prior to the 1872 war, rumors flew that the Modocs were on the warpath. A certain John McDermitt left from Yreka with a small party to warn immigrant wagon trains entering the country. The killings began when seven or eight packers ignored McDermitt's warning, tromped down the slope to Bloody Point and into ambush on the northeast corner of the Lake. The sole survivor fled to Yreka. The killings continued as more immigrants wandered into the trap. The drama climaxed when McDermitt himself became trapped by the lakeside encampment with a train of six wagon he had attempted to rescue. For these immigrants, rescue came in the nick of time as the Modocs delayed attack as they waited for nightfall.

²⁴ Hunt, 29. Compiled by Nathaniel Todd, Chairman of the Committee on Military Affairs for the Oregon Territorial Legislature. They are for the general Klamath Lakes area and gives a good feel for regional insecurity for the years preceding formal hostilities. Numbers are: 1834:30, 1835:4, 1846:1, 1847:16, 1850:6, 1851:6, 1852:47,

While McDermitt had been out patrolling, the tales of the packer who had survived the first attack instigated the formation of a rescue party. Led by a man named Ben Wright, the party raced up past the Lost River. Rushing down upon the Point, Wright's men cut off the Modoc line of retreat by capturing their canoes hidden in the tules. They then mercilessly pursued the Indians until the latter sought refuge at a traditional stronghold on the Peninsula, a long spit of land which jutted out into Tule Lake and ended with a large hill. During the mop-up, Wright and his men were joined by a company of Oregon volunteers and found 36 immigrant men and women scattered dead across the surrounding area or in the tules near Bloody Point. Immediately following the rescue of McDermitt and the wagon train, Ben Wright led the most famous string of reprisals upon the Modocs.

Wright had come west to try his hand at farming but found his calling instead as a trapper and Indian hunter. A veteran of the Cayuse War of 1847, he had helped avenge the death of the Whitmans in Walla Walla, volunteering in the war which eliminated the Cayuse as a cultural entity. Wright lived alone off the land and eventually made his way to Yreka in 1851 at the age of 23. His reputation preceding him, the citizens of Yreka quickly enrolled him to lead twenty men on a raid bent on regaining stock stolen in Modoc country in the summer of 1851. A few random killings and several hostages later, he returned to Yreka from the Lost River with 46 of the missing horses and mules. It was the next spring, however, in which he proved his prowess in the use of violence.

1853:8, 1854:27, 1855:51, 1856:43, 1857:5. The lull of 1848 and 1849 can be accounted for as the effects of smallpox on the tribe when it finally hit in 1847.

After chasing the Modocs onto the Peninsula, Wright set up camp nearby to keep watch, protect the wagons and attempt to regain any possible white prisoners or stock. Running short on provisions, Wright moved with his men to the northwest corner of the lake on the Lost River, closer to the provisions which came out of Yreka. There, Wright invited the Modocs to feast. Whatever his intentions may have been, rumors flew that Wright planned to garnish the meal with strychnine. Besides, the Indians could not have been stupid enough to go waltzing into a hostile, armed camp to dine with men who had made no secret of their blood lust. Nevertheless, a few did make their way piecemeal into camp to eat some free, untainted grub. Not wanting to go home empty handed, however, Wright decided finally to act with vengeance.

His men taking the high ground around the nearest village, Wright entered alone. Going to the headman, he demanded the release of the two girls rumored to have been captured earlier that year. His request rejected, Wright's pistol blazed through his poncho felling the man to whom he spoke.²⁵ This was the cue for his men and they let loose with a fierce barrage which killed 41 of the 46 Modocs in the village. Meanwhile, Wright threw himself to the ground and shimmied out on his belly. With his men, he then returned to Yreka for a raucous celebration.

For his part, Wright and his company, along with the town of Yreka, were compensated by the state of California to the tune of \$20,775. In 1855, Wright himself would become a special Indian agent in the Rogue Country. Though, by some accounts, he handled himself with prudence and good judgment in executing his new duties, old ways die hard. In 1873, the Overland Monthly, posthumously referred to Wright as "one

of those strange beings who imagine that they are born as instruments for the fulfillment of the Redman's destiny."²⁶ Whatever truth there may have been in that statement, at any rate the "Redman" introduced him to his fate. In vengeance for night of drunken debauchery in which he dragged a naked native woman up a street while beating her senseless, Rogue Indians slit his throat and mutilated his body on the night of February 6, 1856.²⁷

Eighteen-fifty-two was the most dramatic year in the struggle for control of the Modoc country and neither Modoc nor white forgot the brutality. The events at Bloody Point created a legend of Modoc brutality which later became support for the removal of the natives while the actions of Wright sowed the seeds of distrust for the white man. Sympathetic whites could not look back upon this year without a shudder. Future Oregon Superintendent of Indian Affairs, Alfred Meacham, a man who truly held to heart what he felt to be the best interests of the Modocs, stated, "Women were treated with indignities that words may not reveal. Even fiendish torture was surpassed, and human language is to tame to express the horrible outrages committed on them."²⁸ White attitudes in this the frontier period were already hostile enough without the Modocs actions. The son of a prominent Yreka citizen noted, "no distinction was made between 'good' Indians and

²⁵ Murray, 27.

²⁶ William M. Turner, "Scraps of Modoc History," The Overland Monthly 11, no 1 (July 1873'), 22.

²⁷ Stephen Dow Beckham, Requiem for a People: The Rogue Indians and the Frontiersman (Norman, OK, University of Oklahoma Press, 1971), 175, and Hubert Howe Bancroft, The History of Oregon, II (San Francisco: The History Company, 1888), 394.

²⁸ Meacham, 297.

‘bad’ Indians.”²⁹ With the massacre at bloody Point, the Modocs quickly became ‘bad’ Indians. The reciprocal Modoc feelings toward the whites suffered similar damage.

During 1851 and 1852, Wright alone was responsible for the death of more than one hundred Modocs.³⁰ Going by conservative estimates of Modoc numbers, this accounted for twenty percent of an already small tribe. As Thomas Hunt notes in his analysis of the events of 1852, “It is not hard to imagine how such losses must have rankled and added to the bitterness which these proud fierce warriors carried with them.”³¹ Wright’s name would repeatedly crop up in Modoc grievances as an example of white duplicity.

According to the Modocs, Wright had violated a truce. Though accounts vary on the truce, Wright did enter the village without any display of belligerence or arms. Meanwhile, his men waited, hidden in the vicinity for the signal to open fire. Truce or no, Wright’s action drove a wedge of irreparable distrust and resentment between white and Modoc. Of the five survivors of Wright’s raid on the village, two would fight in the Lava Beds twenty years later. One was John Schonchin, who would later be hanged with Captain Jack at Fort Klamath.

General Unrest and Insecurity

During the ensuing period, both sides fueled the already strong and mutual resentment. The Modocs and neighboring Indians continued their belligerence while

²⁹ Alex J. Rosborough, “A.M. Rosborough, Special Indian Agent,” California Historical Society Quarterly 26, no. 3 (September 1944), 203.

³⁰ Hunt, 43.

whites exercised piecemeal brutality upon the Indians of the area. The Modoc raids fell in line with the repeated bellicosity of the Rogue Indians just over the Cascades from the Klamath basin. The year 1851 witnessed six dead at Bloody Point, six at the mouth of the Coquille River, and seven dead in Rogue country. Additionally, that year, the Indians stole approximately two hundred head of cattle, and white reprisals in Oregon left thirty to thirty-five Indians dead.³²

In 1854, the Rogue River Valley erupted with war and bolstered the fear whites felt toward the Indians. One man expressed the general fear when he requested permission to muster a volunteer company for protection during the neighboring Rogue hostilities and reported to Indian Agent Alfred Rosborough that, "The Indians ... are now in this vicinity and are trying to get other Indians to join them for the purpose of Destroying Life and Property."³³ Though the Rogue War ended in 1857, the other Indians of the region, including the Modocs, continued the raids which promoted a general fear. With the coming of the Civil War, the withdrawal of troops to the eastern theaters depleted the forces formerly used to protect the frontier and added to the endemic insecurity. Though making no general attack, the Indians clearly saw the sparseness of frontier defenses. Neither the appointment of Lindsay Applegate as special Indian agent to the Lakes Indians in 1861 nor the establishment of Fort Klamath on the north side of Upper Klamath Lake in 1863 prevented the Modocs from rustling 900 head of cattle during the Civil War years. Nor did the whites do much to foster peaceful interaction.

³¹ Ibid.

³² Ibid., 39.

³³ Rosborough, 204.

White retaliatory raids continued while various groups of the rougher miners abused the natives. During the Rogue War, General Wool had been forced to protect non-hostile Indians with Federal troops from the assaults of whites. As William M. Young commander of a volunteer company in Southern Oregon attested, volunteer companies added little to general security. With tensions escalating in the mid-1850's, he wrote in dismay to the Indian agent, A. M. Rosborough, regarding the treatment of the local Indians. On 26 February 1855 he complained, "they [the volunteers] have singled out all the squaws compelling them to sleep with some man every night. This causes great excitement the Bucks complain daily of it."³⁴ Though not in Modoc country, it cannot be assumed that the various tribes did not communicate at least the rumors of such abuses. Additionally, the native seemed to provide sport for some and lynching was not uncommon; "they [some whites] went about the country shooting down Indians wherever they could find them."³⁵ Clearly, with both Indian and white raising ire against each other, the region needed to find a way to ease the potentially explosive tension. The Modocs were no exception as exhaustion brought the Modocs into treaty negotiations.

For two generations, war and disease had demoralized and decimated the Modoc population while resulting social changes had left them insecure and uncertain. The old social order had partially shifted from shamans and elders to the youth. These youth attempted to drive away the whites as tribal numbers dwindled and the ability to subsist declined along with social cohesion. War decimated the warriors. Still more whites came. Old Schonchin was seventy-odd years old and tired of war:

³⁴ Ibid., 205.

We killed all we could; but they came more and more, like new grass in the spring. I looked around, and saw that many of our young men were dead, and could not come back to fight. My heart was sick. My people were few. I threw down my gun. I said, I will not fight again. I made friends with the white man. I am an old man; I cannot fight now. I want to die in peace.³⁵

Hoping for peace, Schonchin and Captain Jack sought out Elisha Steele of Yreka on Valentine's Day, 1864, a man whom they trusted and knew had until recently been an Indian Agent.

The St. Valentine's Day Treaty, 1864

Elisha Steele was a lawyer, judge, and politician in northern California. Coming from New York via Wisconsin in 1850, he failed as a miner and then a shop-keeper. He soon found he could thrive by resuming his former practice of law and opening a partnership with the former Indian Agent A. M. Rosborough. Besides acting as an advocate for the Modocs, at one point Steele called for the attachment of Northern California to Oregon. This irked Oregonians because they felt such a union would delay statehood and his unpopularity in Oregon hindered the effectiveness of his interaction with the Modocs.

As a citizen, Steele acted continually as an advocate for the Indians. In the 1850's, with the help of Ben Wright of all people, he got a trial in which an Indian threatened with lynching was acquitted. In 1863, he was appointed by President Lincoln as special Indian agent for Northern California. Unfortunately, he had the enmity of

³⁵ Ibid., 202.

³⁶ Meacham, 297.

California Senator John Conness. Just prior to the Modoc visit in February 1864, the Senator engineered his replacement as Indian Agent.

The treaty Steele worked out with Captain Jack was perhaps the most hopeful attempt to resolve the problems on the Modoc frontier. Though Steele no longer possessed official sanction, his successor had not yet arrived in Northern California. Despite his lack of authorization, he felt obliged to act on the Modoc request. As he wrote Senator Conness, “the ill feeling that was growing up among the Indians, and being occasionally demonstrated by the Klamath Lakes and Modocs toward the whites, seemed urgently to call for an intervention to avoid war.”³⁷ Steele hoped that his treaty would have merits enough to be accepted as a *fait accompli* by the government.

The treaty he drafted took into account the specifics of the local situation and gave the Modocs the best terms they could hope for in their situation. Allowing for trade, ferry tolls and fees for guiding settlers across Modoc land, the treaty banned prostitution, slavery, cattle rustling and horse theft. With permission from the military authorities at Fort Klamath, the Modocs could leave the reservation and could be punished by the army for treaty violations. Finally, Steele exhorted the Modocs to “terms of friendship with all whites, negroes, and Chinese.”³⁸ Because in the treaty the Modocs forfeited rather than sold the land in exchange for Steele’s expressed hope for a reservation on the Lost River, all this came at a price of zero to the United States Treasury. Despite the prospect of peace, Steele’s treaty immediately ran into difficulty.

³⁷ Report of the Commissioner of Indian Affairs for the Year 1864 (Washington D. C.: GPO, 1864): 264.

³⁸ Albert Samuel Gatschet, Ethnographic Sketch of the Klamath Indians of Southwestern Oregon (Washington D. C.: Government Printing Office, 1899; facsimile reproduction, 1966), lxii.

Oregonians were upset that the Indians were not removed from the Lost River Valley. They clamored that Steele's treaty did not comply with United States' policy because it included no annuity payments for the purchase of land. In general, after making a treaty with Indians, the government distributed annuity goods, tools, blankets and other knick-knacks in exchange for the land on which the Indians formerly lived. Hopefully, the goods would be used by the native to adopt a more settled way of life on the reserve of land left to them. To encourage eventual agricultural self-sufficiency, the local agent of the Indian Bureau distributed payments of a fixed and often descending sum. According to government jurisprudence, through this purchase, the United States gained the land title from the Indian and legally opened an area to settlement. Steele's treaty contained none of the annuity stipulations and, among other complaints, Oregonians claimed this exclusion of payment in exchange for the lands made the transaction invalid. Additionally, accusations of commercial motives abounded as explanations for the support Yreka whites gave to the treaty.

Although not doubting Steele's good intentions, Meacham later conceded the certainty of financial incentives for a reservation on the California side of the state line. Discussing the Oregonian complaints in his tome, Wigwam and Warpath, he stated, "The Modoc trade may have had something to do with the success of more than one merchant in Y-re-ka."³⁹ Finally, though the Indians were required to have military approval to leave the reservation, Oregonians were irate that they could leave it at all. In the end, the

³⁹ Meacham, 348.

Oregonians had their way; the Indian office rejected the compact without consideration and began the process anew in the autumn.

By ignoring Steele's treaty, the Indian Office shelved a treaty which gave the Modocs hope of remaining on at least a portion of their land. Steele believed the Modocs as a whole found the treaty acceptable and he felt confident in the Modoc intention to hold to the agreement, writing Conness, "it has been proven by actual experience that they intend fully to comply with the terms of the compact ... and individual white men have passed out into their country and back without molestation or annoyance."⁴⁰ The Modocs voluntarily agreed to Steele's treaty and Jack had not yet violated any agreements with the whites. Unfortunately, the government did not give Jack and the Modocs a chance to prove their intentions for peace.

Council Grove

Instead of working with the groundwork laid by Steele, Oregon Superintendent J. W. Perit Huntington met with the Klamath and Modoc tribes on October 9, 1864 at Council Grove intent upon working out an official treaty in compliance with U. S. policy. At the treaty conference a mile north of Klamath Agency and entirely on Klamath lands, the superintendent sought "to so locate the tribes that their separation from whites would be as nearly complete as possible."⁴¹ Huntington entered negotiations hoping for "(1) provision of food and clothing for Indians unable to exploit their former range; (2) the introduction of democratic political institutions; (3) incorporation of Indians in the white

⁴⁰ Report of the Commissioner of Indian Affairs for the Year 1864 (Washington D. C.: GPO, 1864): 265.

⁴¹ Report of the Commissioner of Indian Affairs for the Year 1865 (Washington D. C.: GPO, 1865): 102.

world as individual farmers; (4) a campaign against shamanism.”⁴² In contrast with Steele’s treaty, Huntington assiduously followed the tenets of a government policy formulated three thousand miles away in Washington, D. C.

According to Columbus Delano, President Grant’s Interior Secretary, the Indians were to be placed on reservations out of the white path. The Army was to punish infractions and treaty violations by the Indians with enough force to make the reservation the most comfortable option. Quality goods, the annuity goods sent in exchange for the Indian title, would be supplied to help implement agricultural self-reliance while religious involvement in the Indian agency and in schools and churches would “aid in uplifting the Indian’s culture.”⁴³ In regards to the Modocs and the Klamaths, Huntington complied to the tee.

Unlike Steele, Huntington extinguished the Indian title to wide expanses of the basin by purchase. Both tribes were relocated en masse to a reservation in Oregon and entirely on Klamath lands. This reservation bordered the west side of Upper Klamath Lake and stretched westward across the drainage of the lower Sprague River. On the lakeside, Huntington allotted what he felt to be land sufficient enough to allow agricultural subsistence while the limited amount of arable land would not tempt covetous whites. Additionally, he felt fish, roots, seeds and other naturally occurring food could be found in enough abundance to provide further sustenance.

⁴² Nash, 398.

⁴³ Francis Paul Prucha, The Great Father: the United States Government and the American Indians (Lincoln, NE.: University of Nebraska Press, 1984), 482.

Through the treaty, which became known as Council Grove, the United States provided annuity goods in descending quantity for fifteen years. Government assistance paid to the tribes gathered \$8,000 for the first five years, \$5,000 for the next five, and \$3,000 for the final five. In this single purchase,

The country ceded by the treaty of 15th October is of vast extent, as you can see by reference to the map, say 15,000 to 20,000 square miles, and presents great diversity of topography, soil, and climate. Parts of it are barren mountains and sage plains, of no agricultural value, but probably possessing great mineral wealth. Other portions are valuable for grazing purposes, producing a large amount of nutritious grass, but containing little or no land fit for cultivation. The valleys of the Klamath lakes, Rhett [Tule] lake, Goose lake, Lost river and seven others, have much fertile soil. Some portions are well supplied with excellent timber...⁴⁴

His treaty secured an huge and open territory for the whites at minimal cost. Without a shred of foresight, he reported that Council Grove “embraces the largest number of Indians ever included in one treaty in Oregon, that it cedes the largest area of country ever purchased at one treaty, and that it involves the expenditure of a smaller amount of money than any other important treaty.”⁴⁵ In fact, he had only spent half the moneys appropriated for the purpose of the treaty. Huntington had little idea that the problems within his treaty would embroil the United States in a war which drained nearly a half million dollars over the normal operating budget for the region and cost the lives of 165 American soldiers and volunteers in 1873.⁴⁶

On the part of the natives, 339 Modocs would make their marks alongside 710 Klamaths and a hand full of Indians, randomly named the “Yahooshkin Snakes.”⁴⁷ The

⁴⁴ Report of the Commissioner of Indian Affairs for the Year 1865 (Washington D. C.: GPO, 1865), 102.

⁴⁵ Ibid.

⁴⁶ Richard Dillon, Burnt-out Fires (Englewood Cliffs, NJ: Prentice Hall, Inc., 1973), vii and 339.

Indians unanimously requested that Lindsay Applegate be named agent after a similar request for Steele was rejected. At Council Grove after making his mark, Old Schonchin displayed his intentions to abide by the treaty by placing one hand over his heart and with the other tracing a path from east to west; he would be true as sure as the sun traveled the sky. Among the other signatories was Captain Jack.

Complications with Council Grove

Huntington's treaty contained a number of potential and real problems which quickly drove Captain Jack along with sixty men and their families off the reservation in 1865.⁴⁸ First, the treaty removed the Modocs from their homeland after they had been given the hope of a Lost River Reservation in Steele's treaty. Second, Council Grove placed the Modocs on lands which belonged to the Klamaths, who, though not enemies, were of larger numbers and regarded the Modocs as tenants. Third, on Klamath Reservation, U. S. Officials recognized Old Schonchin as the leader of the Modocs, challenging Captain Jack's leadership ambitions. Finally, the American policy worked actively to eradicate shamanism and the old ways, exciting the animosity of the Modoc shaman who still remained strong and had the backing of the traditionalist Modocs.

In formulating the Council Grove Treaty, Huntington did not take into account the relationship between the Modocs and the neighboring Klamaths. Though the two tribes had settled the area together some three hundred years previous and had continued to trade and interact, for several generations the Modocs had lived as a distinct and separate

⁴⁷ These seem to have been Paiutes.

⁴⁸ Murray, 71.

tribe. Steele allowed the Modocs to remain on their homeland whereas Huntington placed the Modocs in a situation where the Klamaths regarded them as tenants. With larger numbers, the Klamaths humiliated the Modocs by demanding rent, abusing Modoc women, disrupting fishing, and stealing timber felled by Modoc ax blades. Reporting on the situation in 1870 after Jack returned briefly to the reservation, Superintendent Meacham stated, "the Klamaths are brave, but insolent and overbearing to other Indians, but especially the Modocs."⁴⁹ He attempted to alleviate the problem by opening a sub-agency near Yainax Butte on the east portion of the reservation, but still the problems continued. At Yainax, the recognition of Old Schonchin as chief by the sub-agents further rankled Captain Jack.

By acknowledging Old Schonchin, the U. S. authorities increased his prestige at Captain Jack's expense. On the Klamath reservation, government officials recognized Schonchin as the tribal leader due to his cooperation with white authorities such as Lindsay Applegate. Because a reservation chief often became a conduit for the distribution of annuity goods and the enforcement of white ways, Captain Jack found Old Schonchin's prestige increase intolerable. Naturally he chose the path that gave him the prestige he desired. On the Lost River, Jack lived in his homeland and there the whites came to him as leader of the Modocs, trying to convince him to return. Off the Reservation, Jack was not the impotent victim of humiliation in the face of superior Klamath numbers. The life on the Lost River which gave Jack the leadership prestige he desired also allowed the shaman to maintain his prestige within the tribe as the Modocs tried to recreate their traditional lifestyle.

⁴⁹ Report of the Commissioner of Indian Affairs for the Year 1870 (Washington D. C.: GPO, 1870): 52.

Off the reservation, the Modoc shaman, Curly Headed Doctor, escaped the ways in which shamanal power had been undermined since the first contacts with whites. Though, as noted, the influence of Modoc shamans had decreased to a lesser degree than in other tribes, white anti-shaman policy outlawing native religion as impediments to Christian conversion threatened the power of Curly Headed Doctor. As implemented by Meacham, white laws undermined the authority of the shaman. With the backing of Indian Agents, reservation chiefs could often arrest a shaman for the practice of native religions. These shamans could be tried and imprisoned. As will be seen, off the reservation, Curly Headed Doctor escaped the oppressive measures of white law and exercised significant influence over the affairs of the tribe, even over the ostensible “chief” Captain Jack.

Problems off the Reservation

After Jack and the Modocs who joined him first left the reservation in 1865, they returned to their old haunts and attempted to restore the old ways along the Lost River and to the south of Lower Klamath Lake along Hot Creek. For the most part the Modocs continued to visit Yreka and there trade, drink and interact with the residents. In his dealings with white authorities, Captain Jack remained in the Tule Basin, avoided both conflict and government representatives, and hoped for a Lost River Reservation.

During this period, the Modocs maintained a working relationship with various whites and a generally uncomfortable relationship with settlers. Occasionally Steele or his legal partner, Judge A. M. Rosborough, wrote passes of good behavior for Modocs to enable easier interaction with the whites. On Independence Day, 1871, several Modocs

aided the Yreka citizenry in dousing a fire that broke out and threatened much of the town. For this deed, Jesse Applegate and others attested to the tribe's goodwill. At his most belligerent, in 1866, Jack provided arms to raiding Paiutes in assertion of his independence from the government and the Yainax Modocs.⁵⁰ In 1867, following the death of his niece, Jack had a shaman killed. Though Steele advocated letting the Modocs deal with their own affairs, the court in Jacksonville, Oregon issued a warrant for Jack's arrest and demands increased, calling for the removal of Jack as an indicted murderer.⁵¹ Furthermore, tensions grew on the Lost River as the Modocs found life more and more difficult in the face of the pressures of white settlement.

With the brief exception of the winter of 1869-1870, Captain Jack's Modocs never resided on the reservation. Unfortunately for the Modocs, the strain of white settlement made the old ways less feasible. Game was gone and settlers were settled. Grazing cattle drove off deer and other game. Following the war, Bogus Charley, a warrior who fought for and acted as interpreter for the Modocs during the war, reported the changes:

We be at Tula (Tule) Lake and Lost River. Plenty game, warm country; government, he buy claim; we go Fort Klamath, Oregon, on mountain, cold country. ... [we] go back Tula Lake-go there-settler there-game gone. ... no grub-hungry-kill settler's cattle.⁵²

The changes now strained the ability of the tribe to subsist even further. Forced to take from the whites who had settled, Jack and his followers regarded the new residents as

⁵⁰ Later, the Klamath Indian's revelation of Jack's actions to the government added to the inter-tribal enmity.

⁵¹ Murray, 65.

⁵² Patrick James Easterla, "The Mighty Modoc and Their Exile," *Northwest Magazine* (22 January 1978): 8. This is a difficult source. The voice of the Modocs is few and far between, so I feel justified in using it.

tenants, much the same as the Klamaths had viewed the Modocs on the reservation.

Steele pointed this out as early as 1864; "the Indian ... considers his right to consist in keeping others from occupying or owning in common with him any district of country if he has sufficient force to do so, and, further, to extend occasional levies on those surrounding."⁵³ The Modocs felt the land was theirs and treated it as such. Just prior to the war, the Yreka Union stated that the "Modocs [had] warned a settler not to fence any more land on the south side of the river."⁵⁴ Demanding rents and restricting the use of the land, however, only incensed whites.

In August 1871, sixty-five settlers listed their grievances against the Modocs in a petition to Governor Grover of Oregon, General E. R. S. Canby, the head of the Military Department of the Columbia, and Superintendent Meacham. The petition described Modoc behavior and the settlers' annoyance over the marked lack of government treaty enforcement. The settlers complained,

that they [the Modocs] demanded rents for the lands occupied by the white men: claiming pay for the use of stock ranches, demanding horses and cattle; visiting the houses of settler, and in the absence of husbands, ordering the wives to prepare meals for them, meanwhile throwing themselves on the beds and carpets, and refusing to pay for the meals when eaten; feeding their horses with the grain of the settlers, and, in some instances, borrowing horses without asking the owners.⁵⁵

In November 1871, the Tickner Road was completed, funneling more settlers through Yreka and into Modoc Country. Clearly, the need for resolution remained acute.

Alternate Plans

⁵³ Report of the Commissioner of Indian Affairs for the Year 1864 (Washington D. C.: GPO, 1864): 266.

⁵⁴ Yreka (Ca.) Union, 25 January 1873.

⁵⁵ Meacham, 359.

Though the government haphazardly pursued the enforcement of the Council Grove agreement, many hoped to find solutions more acceptable than Huntington's treaty. Elisha Steele continued his active pursuit of a Lost River reservation while also casting about for other, more creative options. One rancher, John Fairchild, worked out a private treaty with the band of Modocs who neighbored his spread to the south of Lower Klamath Lake.

John Fairchild hailed from Mississippi and had mined in his youth. A rugged looking old man with a long gray beard, he settled just south of Lower Klamath Lake in 1862 with the intention of raising cattle. With a pragmatic bent of mind, he acknowledged that he was a tenant on Modoc lands and paid rent in some form.⁵⁶ He never had problems with the Modocs and indeed gained their trust and regard. In 1873, with war impending, this band, the Hot Creek Modocs would come to him for advice and protection. They would have remained out of the war had drunks in Linkville not threatened them with lynching as Fairchild transported them back to the reservation. Despite the practical application of Fairchild's individual agreement, the region needed a more permanent and encompassing settlement.

Steele and his legal partner, Rosborough forwarded one interesting option by encouraging Jack and the Modocs to become taxpaying citizens. When Jack visited them in July or August 1872, the two lawyers advised him to dissolve tribal bonds, apply for citizenship and get land via the Land Grant laws.⁵⁷ Furthermore they offered "to assist as

⁵⁶ I was unable to find further details regarding his accord.

attorneys to secure homes when they should have abandoned tribal relations, paid taxes, and made application to become citizens.”⁵⁸ This creative attempt seems to have fallen by the wayside while the only realistic option remained for a Lost River reservation.

Until the Indian Office finally rejected the plan in 1872, the idea of a small reservation on the Lost River had been kept alive since Steele’s treaty in 1864. Steele supported the Lost River reservation in California because, among other things, “the Modocs and their land are mostly in California.”⁵⁹ At one point Jesse Applegate suggested and surveyed a small tract of about two miles by three miles at the mouth of Lost River on Tule Lake.⁶⁰ In the capitol, Francis Walker, Commissioner of Indian Affairs in 1872 actually reported favorably to the Secretary of the Interior that,

They [the Modocs] desire to locate upon a small reservation by themselves. Under the circumstances, they should be permitted to do this, or else be allowed to select a tract on the Malheur reservation.⁶¹

With Walker’s endorsement, the idea seemed to possess a real prospect of success. Meanwhile, pending a decision from Washington, D. C., General E. R. S. Canby refused to act on demands such as the settlers’ petition in 1871 which requested the forcible return of the Modocs to the Klamath reservation. Because he felt that it was not his responsibility to force a decision using soldiers on the south end of his jurisdiction, the Modocs remained on the Lost River.

⁵⁷ Murray, 74.

⁵⁸ Meacham, 363.

⁵⁹ Report of the Commissioner of Indian Affairs for the Year 1864 (Washington D. C.: GPO, 1864): 264.

⁶⁰ Meacham, 350.

⁶¹ Report of the Commissioner of Indian Affairs for the Year 1872 (Washington D. C.: GPO, 1872): 65.

Government Enforcement of Council Grove

Even while other options were being explored, Huntington's Council Grove Treaty remained the thrust of government efforts to deal with the problem. As early as 1866, Captain McGregor, commandant at Fort Klamath, attempted to persuade Jack and his bands to return to the Agency. Because the Paiutes under Paunina, whom Captain Jack had aided in assertion of independence, continued to wreak much havoc, McGregor did not press the issue. The Army did not need another war on its hands and, later that year, Paunina justified the claim when he went wild with raids in which he attacked both the reservation Modocs and the Klamaths and then massacred the Ward party wagon train. The same year, Captain Jack politely declined Lindsay Applegate's request for the Modocs to return. Huntington also attempted to convince Jack to return in 1867 when the former came to deliver the year's annuities.

Down on the Lost River, Huntington offered the goods to Jack. As Jack claimed he had either been duped or did not even sign the Council Grove treaty, he shrewdly refused the goods. Acceptance would have acknowledged the legitimacy of the treaty and Jack remained untethered. Without the military force to back his words Huntington then blustered threats. Jack retorted in kind by crossing the river with his men and threatening death should the superintendent follow. Unarmed and bereft of Army support, Huntington departed.⁶² Despite government difficulties, two years later the Modocs temporarily returned to the Reservation.

⁶² Murray, 41.

In 1869 the Modocs returned to the Klamath reservation under the auspices of Alfred B. Meacham. A staunch Republican, Meacham worked for Grant's re-election in the state of Oregon. After dropping in to congratulate the President on his victory, Meacham walked away with the spoils of the Oregon Indian Superintendency. During his tenure, from mid-1869 to mid-1872, Meacham attempted to stamp out gambling, polygamy, prostitution, and shamanism among the Indians and divided up the state's Indian agencies and sub-agencies between Army and civilian officials in a compromise plan over the continuing bickering between the Departments of War and the Interior.⁶³ By the end of 1869, Meacham focused on the Modocs.

When Meacham departed for the Lost River in December, only a handful of cavalry accompanied him along with Old Schonchin, Captain O. C. Knapp, new Indian agent at Klamath Agency, Ivan Applegate, son of Lindsay Applegate and sub-agent at Yainax, George Nurse, and two interpreters. Meacham left the soldiers on the ready at Linkville so the rumor of their coming would not excite the Modocs into flight or fight. Since Jack refused to come to him, Meacham went to Jack's village on the Lost River to convince him to return to the reservation.

As with previous and subsequent government embassies, emissaries sent by Jack, four in this case, met Meacham five miles short of the village. When these Modocs said Jack did not wish to speak to the whites, Meacham ignored and pushed his way past. By the time he arrived at the village Jack had been warned of Meacham's approach and agreed to see the superintendent alone in his wickiup. Inside, Jack was stony, and did not shake hands or smoke. After a tense silence the talks began. Jack loosened up

⁶³ Ibid., 46.

considerably after Meacham produced letters, written by both Judges Steele and A. M. Rosborough, which attested to the superintendent's character and goodwill. Jack agreed to discuss matters in the morrow. Because of the late hour, the Modocs hospitably set up camp for the visitors, gathered sage for fires and gave the whites a fish for the evening meal on the night of December 22.

The next day on December 23, 1869, other members of the party joined Meacham in Jack's home for a conference with several other Modocs, the shaman included. Jack flatly denied that he had been a signatory of Council Grove. When Meacham produced an original copy of the treaty and showed Jack his own signature, Jack gave in and soon asked about various locations on the Klamath Reservation where his people could settle. Meacham nearly succeeded in securing Jack's willing return when the shaman interfered.

At this point the situation abruptly disintegrated when Curly Headed Doctor wielded his influence and ended discussion.. Still holding sway over Jack and the tribe, the shaman stood and said, "We won't go." Tension immediately filled the hut and Jack declared, "I am done talking."⁶⁴ Both sides quickly drew weapons and Meacham pointed out that the death of embassy meant the certain destruction of the Modocs. The Modocs allowed whites to depart to their own camp while, according to Keith Murray in his definitive history of the Modoc War, Modocs and Their War, the Modocs remained in Jack's home in discourse over the fate of the whites; Curly Headed Doctor urged the death of the whites.

⁶⁴ Ibid., 52.

Luckily, Meacham sent a messenger to the soldiers at Linkville. Back in Linkville, the troops had been drinking heavily and after the messenger delivered news of the situation on the Lost River, the troops careened noisily into the Modoc village late on the night of the twenty-third. The drunken clamor so surprised the Modocs, they expected morning light to show a much larger force; the Modoc leaders fled to the Lava Beds. Meacham, with the help of Captain O. C. Knapp, a decorated Civil War veteran, induced the remaining Modoc men to surrender their weapons. Women and children were rounded up and the whites promised that no harm would befall the prisoners. When day broke, Jack's sister, Queen Mary, went to the Lava Beds and convinced the other Modocs to return. On December 30, Captain Jack returned to the Klamath Reservation with 258 followers. The next day Meacham staged a return ceremony in which he distributed goods and friendship was professed between the Klamath and Modoc tribes. Soon, however, problems again resurfaced and Jack again departed for the Lost River.

Almost immediately the Klamaths began harassing the Modocs, stealing fire wood, and treating them as tenants. The Indian Agent, Captain Knapp, little desired a position as mediator of intertribal squabbles. Twice promoted for gallantry and meritorious service in action during the Civil War, Captain Knapp performed his duties as agent with limited enthusiasm. After Captain Jack complained twice to the agent, Knapp allotted the newly arrived Modocs land on the east side of the reservation. Still the Klamaths gave Jack trouble. When Jack returned a third time, Knapp grew impatient and shouted Jack out of the agency office. Knapp blamed Jack's Modocs for the troubles and denied them annuity goods as punishment. When the Modocs quietly left the

reservation, Knapp reported quizzically, “They remained quietly on the reserve until April 26, [1870] when I stopped issuing rations. They then left the reserve without cause or provocation.”⁶⁵ By denying the annuities, Knapp made life on the reservation intolerable for the Modocs and reinforced their reluctance to try the new white ways.

With his departure, Jack took 371 Modocs. This time, events compelled even Old Schonchin to abandon the reservation. Though Old Schonchin soon returned with 67 Modocs, the recent events on the reservation could only have reinforced the will of the more bellicose Modocs to resist settling on the Klamath reservation. During the Meacham’s negotiations, the shaman Curly Headed Doctor had opposed return to the reservation. Because the reservation had indeed proved intolerable, the shaman found his influence reinforced. More strongly resolved than ever to remain on the Lost River, Modocs avoided any situations where they might be susceptible to the exposure of their people to potential hostage situations. When the government sent more men to coax the Modocs back, the whites found themselves faced with large parties of armed Modocs who asserted their decision to stay and stated no desire to discuss the matter further.

Final Efforts

In August 1871, Jack rejected the next efforts to reopen negotiations during one of the last attempts to get the Modocs back to the Klamath reservation. Jack then passed the next few days demanding rent from Jesse Applegate for his Goose Lake ranch and sending some men to raid a wagon train on the Applegate Trail.⁶⁶ Finally Jack agreed to

⁶⁵ Report of the Commissioner of Indian Affairs for the Year 1870 (Washington D. C.: GPO, 1870): 68.

⁶⁶ Murray, 66.

meet with the whites. That month, Jesse Applegate, John Meacham, the superintendent's brother and new Yainax sub-agent, and four other men went to the Lost River.

Well-armed for protection, sub-agent Meacham and Jesse Applegate met tensely with twenty-nine of the off-reservation Modocs. Meacham and Applegate requested the tribe's return to Yainax pending a settlement of the Lost River question. Jack listed the Modoc grievances: the government broke its contract by not feeding the tribe: the Klamath reservation was unacceptable; and the Indian ways had not yet failed. Jack seemed to act only as a spokesman for the Modocs. According to Meacham, they had lost trust in him as a leader; "at that time, as afterward in the Lava Beds, the Modocs were suspicious of Captain Jack's firmness in carrying out the wishes of his people."⁶⁷ In fact, Curly Headed Doctor and John Schonchin, Old Schonchin's brother and survivor of the Ben Wright massacre twenty years before, urged the murder of the two whites. Jack was hard pressed to restrain them. The awkward situation forced the two whites to restate the hope of a Lost River reservation and then get out of there; in short, to reiterate the status quo for their own survival.⁶⁸ A few months later, a similar meeting with forty armed Modocs convinced Ivan Applegate that the Modocs wished to instigate war.⁶⁹ Shortly after Ivan Applegate's visit, the War Secretary put pressure on the Office of Indian Affairs for a quick resolution to Modoc intransigence.

As Indian wars escalated in the years following the 1849 transfer of the Indian Bureau from the War Department to the newly created Interior Department, military

⁶⁷ Meacham, 355.

⁶⁸ Murray, 67.

⁶⁹ Ibid., 77.

officials continued to meddle in Indian affairs. Because Indian policy required “the occasional use of the military arm in restraining or chastising refractory individuals and bands,”⁷⁰ this reliance gave the War Department added leverage. In 1872, the War Secretary communicated to the Indian office that the Modoc situation needed to be brought to a close. He ordered that the Paiutes be shipped to the Malheur Reservation and the Modocs to Yainax on the Klamath Reservation. By July, he endorsed the use of force for the final resolution of the Modoc situation. Furthermore, in the same report which held Commissioner Walker’s endorsement of a Lost River reservation, his subordinate in Oregon also rejected the option.

On June 17, 1872, T. B. Odeneal, Meacham’s recent successor as Superintendent of Indian Affairs in Oregon, decided against further pursuance of a Lost River reservation. Odeneal reported to Washington, “your order to put the Modocs on the reservation will be executed next month.”⁷¹ The Lost River option was dead. In July, the Indian Office forwarded the order to end the Modoc situation “peaceably if you can, forcibly if you must.”⁷² When Odeneal did finally act to return the Modocs, he ignored the fact that between 1864 and his action of November 1872, the numerous attempts to return Jack to the reservation had shown the need for effective force in the face of determined Modoc resistance, especially backed by the influential shaman, Curly Headed Doctor.

⁷⁰ Report of the Commissioner of Indian Affairs for the Year 1872 (Washington D. C.: GPO, 1872): 5.

⁷¹ Ibid., 361.

⁷² Murray, 76.

After his June decision, Odeneal did not communicate his plans to the military authorities upon whom he heavily relied for military support. General E. R. S. Canby, head of the Army's Department of the Columbia had only a vague idea that Odeneal intended to act. From the commanders at Fort Klamath and Camp Warner to the east, Canby requested immediate notification should Odeneal make a move. A Civil War veteran, Canby knew that due to the vast distances under his supervision, the Army required several days to muster a force effective enough to deal with the Modocs. Unfortunately, Odeneal acted hastily and Major Green at Fort Klamath did not notify either Canby or Camp Warner of Jackson's move to the Lost River and his possible need of support.

Though accompanied by Oliver Applegate's handful of Oregon volunteers who entered a village across the Lost River, Captain Jackson's contingent lacked the effective force to cow any determined resistance. Without the element of surprise, the thirty-odd troopers who followed Captain Jackson could not expect to wrest the few Modoc leaders from even a small portion of the sixty armed Modoc men who had joined Jack off the reservation. Indeed, the soldiers did lose the element of surprise when Scar-faced Charley, another Modoc man whom Odeneal wanted Jackson to arrest, warned Jack and woke the village after seeing the soldiers in the early morning light as he returned from a night of gambling in the neighboring village.

Odeneal failed to realize that seven years off the reservation strengthened the Modoc will to remain on the Lost River. Each government representative who turned his back on Jack and his Indians reinforced the status quo. Each time, the prestige of the

government declined and the prestige of Modoc advocates of resistance to, and rejection of, the Council Grove Treaty increased. By allowing the Modocs to remain on the Lost River, Delano's hope that the reservation would be the only comfortable option did not reflect the reality of the situation. Any action to enforce Council Grove required sufficient force to bring the Modocs back in line. After two generations of upheaval, conflict and uncertainty, the Modocs could no longer bend and Odeneal did not utilize sufficient force to break them as quickly as possible. Because of the superintendent's oversight, Captain Jackson's inability to settle the issue decisively instead exploded into war.

Conclusion

The Modoc War resulted from the long term trauma of the European entrance into the Modoc world and the short term failures of Modoc and white attempts to find and enforce an acceptable resolution. One or the other of the antagonists found these attempts unacceptable and forces within both the Modoc and the white worlds undermined these attempts. By default of these failings, war became the path to resolution.

From the beginning of contact, through the influences of trade, the devastation of disease and, later, the pressures of immigration and settlement, the Modocs underwent rapid changes in their social and physical world. In reaction, the tribe tried to drive away the whites through raids on immigrant wagon trains. Attrition, however, from retaliatory raids by the likes of Ben Wright, told upon Modoc numbers, and members of the tribe became willing to attempt other solutions.

The Valentine's Day treaty with Judge Steele in 1864, gave the Modocs hope of a reservation on the Lost River as well as Steele's promise to do everything he could to bring about a like reality. Instead, Oregonians balked and the Indian office shelved Steele's treaty in favor of the Council Grove Treaty of 1864. Many Modocs found this unacceptable and followed Captain Jack back to the Lost River.

Though there was no dearth of ideas to resolve the problems along the Oregon-California border, the government remained focused on enforcement of Council Grove. The whites who steadily settled the Lost River Valley could not agree to the return of Modocs who treated the whites as tenants. Though citizens clamored, the government delayed seven years and the period following the Council Grove treaty witnessed increased tension between the Modocs and the whites.

After Meacham's conference and the brief return to the Klamath Reservation in 1869, the Modocs assiduously avoided giving the whites any opportunity for forceful persuasion. The Modoc shaman, Curly Headed Doctor then influenced the tribe into a more bellicose posture and hamstrung any efforts Jack may have made towards an accord with the government. To men like of Ivan Applegate, the many Modocs seemed to be chomping at the bit, ready to charge headlong into war. In 1872, when the government finally, definitively, discarded the hope of establishing a reservation on the Lost River, Superintendent Odeneal failed to ensure any decisive closure.

In the end, or rather the beginning of the end, Odeneal did not allot sufficient troops to create enough leverage of force and intimidation to effectively rein in the Modocs. After nearly fifty years of cultural upheaval, Captain Jackson's attack on the

Lost River villages convinced the Modocs to fight. The murders which followed as Curly Headed Doctor and some of the younger Modocs fled to defense in the Lava Beds ensured the war would be to the finish.

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