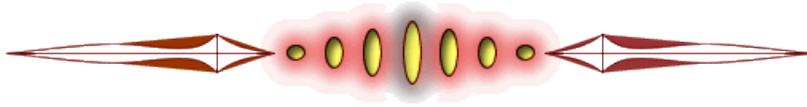


The Unanimous Declaration of the Modoc Nation



Be it known to all persons by these presents that We, the Modoc People of Southern Oregon and Northern California, heretofore known as the “Modoc Tribe,” guided by our faith in the One True God, the Great Spirit, Creator of Heaven and Earth and all living beings, and having assembled in General Council at the Lava Beds National Monument on June 19, 2010, and therein having ratified and adopted a Constitution for our mutual benefit, protection and well-being, and having freely elected a government of our own form and choosing as we believe to be best suited to our interests and to those of our descendants, hereby unanimously declare as follows:

That We Reaffirm our spiritual obligation and commitment to protect, restore and preserve the health and wellbeing of this planet and of all living creatures in, on and above it, with specific regard to our ancestral homeland and its indigenous life-forms;

That We Reaffirm our spiritual obligation and commitment to walk the good red road of harmony and balance, establishing and maintaining goodwill and good relationships with all peoples and governments;

That We Solemnly Commit ourselves to the perpetuation, development and manifestation of our unique indigenous tribal identity and culture, and to the attainment, preservation and enjoyment of all rights and privileges arising therefrom and attendant thereto;

That We Solemnly Commit ourselves to the political and geographical reunification of our people, who are now suffering in exile from the land of our ancestors and separated from us by more than 1,500 miles as the great eagle flies;

That We Solemnly Commit ourselves to the recovery, possession and sovereign control of our ancestral homeland;

That We Solemnly Commit ourselves to the political sovereignty, cultural integrity, economic security, health and wellbeing of our people and to a better future for our descendants;

That We Recognize that the *Charter of the United Nations*, the *International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights*, as well as the *Vienna Declaration and Programme of Action*, affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

That We Recognize that the *United Nations Declaration on the Rights of Indigenous Peoples* affirms “that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such”;

That We Assert that we are a unique indigenous people different from the Klamath Indians or any other Native people, and that our Tribe and People has lived continuously in our homeland for more than 14,000 years, and that we are a separate and distinct people, who have never been assimilated or absorbed into white culture or the culture of any other Native tribe or people;

That We Are Concerned and Convinced that the Constitution and Bylaws of the Klamath Tribes fail to address, protect, or preserve the unique political or cultural tribal identity of the Modoc Tribe or People, thus depriving us of our inherent right to be different, to consider ourselves different, and to be respected as such;

That We Recognize that the Congress of the United States, in enacting the Self Determination Act of 1975, incorporated a specific finding that *“the Indian people will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons”*;

That We Adamantly Affirm that we, the *Mowatocknie Maklaksûm* (Modoc Indian People), will never surrender our desire and commitment to control our relationships, among ourselves, with other Native tribes and governments, and with non-Native governments, organizations, and persons;

That We Are Concerned and Convinced that the Constitution and Bylaws of the Klamath Tribes fail to address, protect, or preserve the unique political identity of the Modoc Tribe or People, thus depriving us of the ability to control our internal political relationships, or those with the Klamath Tribe, Yahooskin Band of Snake Indians, other Native governments, or with non-Native governments, organizations, and persons;

That We Recognize that the Self Determination Act of 1975, as amended, specifically commits the United States government to *“the establishment of a meaningful Indian self-determination policy”* which will provide *“effective and meaningful participation by the Indian people in the planning, conduct, and administration of [federal Indian] programs and services”* and *“In accordance with this policy, the United States is committed to supporting and assisting Indian tribes in the development of strong and stable tribal governments, capable of administering quality programs and developing the economies of their respective communities”*;

That We Are Concerned and Convinced that the Constitution and Bylaws of the Klamath Tribes fail to address, protect, or preserve the unique political or cultural identity of the Modoc Tribe or People, thus depriving us of effective and meaningful participation in the planning, conduct and administration of federal Indian programs and services under the auspices of the Self Determination Act of 1975;

That We Are Concerned and Convinced that the Constitution and Bylaws of the Klamath Tribes fail to address, protect, or preserve the unique political or cultural identity of the Modoc Tribe or People, thus depriving us of a strong and stable tribal government, capable of administering quality programs and developing the economy of our Modoc Tribe and People;

That We Recognize that neither the *Lakes Treaty of 1864*, nor the *Klamath Tribe Restoration Act of 1986*, nor any other federal law or policy has extinguished the separate political or cultural identity of the Modoc Tribe or People;

That We Are Especially Concerned and Convinced that the Constitution and Bylaws of the Klamath Tribes, in combination with the numeric superiority of ethnic Klamath Indians enrolled in the Klamath Tribes, has resulted in a governing body that neither recognizes the ongoing separate political and cultural identity of the Modoc Tribe and People nor adequately represents our unique and separate political, economic or cultural interests;

That We Recognize that our ancestral Modoc homeland, its air, water, forests, wildlife and other resources have been plundered, polluted and destroyed, that our sacred places have been desecrated by white industrial and business interests with the blessing or acquiescence of local, state and federal government, and that such destructive activities are continuing unabated;

That We Are Especially Concerned and Convinced that the Klamath Tribes has failed to adequately protect our homelands from such despoliation and destruction, primarily because the Klamath Tribes' priorities have been and remain consistently tilted in favor of the numerically superior ethnic Klamath Indians; and that the Constitution and Bylaws of the Klamath Tribes deprive the Modoc Tribe and People of the political or legal ability to independently assert our rights and interests in protecting our ancestral Modoc homeland, its air, water, forests, wildlife and other resources from such despoliation and destruction;

That We Recognize that our cultural heritage is being plundered on a daily basis and that the graves of our ancestors continue to be disturbed and looted;

That We Are Especially Concerned and Convinced that the Constitution and Bylaws of the Klamath Tribes deprive the Modoc Tribe and People of the political or legal ability to independently assert our rights and interests in protecting our cultural heritage and the sanctity of the graves of our ancestors;

That We Are Especially Concerned and Convinced that the Constitution and Bylaws of the Klamath Tribes deprive the Modoc Tribe and People of our inherent rights to tribal sovereignty and self determination, thus preventing us from freely determining our political status and freely pursuing our economic, social and cultural development;

That We Remind all persons and governments that the Modoc Tribe and People have suffered from grave historic injustices as a result of, *inter alia*, colonization and dispossession of our lands, territories and resources, and more than one hundred forty six years of federal Indian policy antagonistic to the very existence of our Tribe and People, thus preventing us from exercising, in particular, our right to development in accordance with our own needs and interests;

That We Recognize the urgent need to respect and promote the inherent rights of the Modoc Tribe and People, which derive from our political, economic and social structures and from our culture, spiritual and religious traditions, histories and philosophies, and especially our aboriginal rights to our lands, territories and resources;

That We Recognize the urgent need to reassert, preserve and pass on to future generations our unique identity both as a uniquely cultured indigenous people and as a sovereign tribal body politic;

That We Have Organized ourselves to achieve political, economic, social and cultural empowerment and in order to bring to an end to all forms of discrimination and oppression against our people; and

That We Are Convinced that the recognition of the rights of the Modoc Tribe and People set forth in this Declaration will enhance harmonious and cooperative relations between our Tribe of people, other Native tribes, and the various levels and agencies of federal, state and local governments for the very reason that this Declaration is based on principles of justice, democracy, respect for human rights, non-discrimination and good faith;

Now, Therefore, We solemnly proclaim and declare that the Modoc Tribe henceforth shall be known as the Modoc Nation; that the Modoc Nation is, and of right ought to be a free and independent, sovereign and federally recognized Native nation; that the Modoc Nation and its People are absolved from all allegiance to the government known as the "Klamath Tribes," and that all political connection between the Modoc Nation and its People and the government known as the "Klamath Tribes" is, and of right ought to be totally dissolved; and that as a free and independent, sovereign and federally recognized Native nation, the Modoc Nation has the full power to administer federal programs for the benefit of its people, contract alliances, establish commerce, and to do all other acts and things which free and independent, sovereign and federally recognized Native nations may of right do. And for the support of this declaration, with a firm reliance on the protection of the One True God, the Great Spirit, Creator of Heaven and Earth and all living beings, we mutually pledge to each other our lives, our fortunes and our sacred honor.

Signed and sealed by the smoking of the ceremonial sacred pipe on this nineteenth day of June, 2010 by the duly elected and authorized representatives of the Modoc Nation and People.

/S/ Jeff Kelley

Chief Executive of the Modoc Nation

/S/Kathryn Murray

Speaker of the Legislative Council of the
Modoc Nation

Witnessed by: _____/S/ Dorothy Carnes

Chairperson of the Council of Elders of the Modoc Nation