

TESTIMONY
OF
DOUGLAS G. LANKFORD

Before the

House Committee on Natural Resources

Subcommittee for Indigenous Peoples of the United States

Tuesday, July 16, 2019 at 2:00 p.m.

1334 Longworth House Office Building

Legislative Hearing on **H.R. 396** (Rep. Markwayne Mullin), to provide for the equitable resolution of certain Indian land disputes regarding land in Illinois, and for other purposes.

CHAIRMAN GALLEGO and Honorable Members of the Subcommittee:

Aya akima eecipoonkwia weenswiaani niila myaamia. My name is Douglas Lankford and I am the Chief of the Miami Tribe of Oklahoma. I want to thank the Subcommittee for this opportunity to testify in support of H.R. 396, a Bill that would permanently resolve the Tribe's treaty-based land claim to the Wabash River Watershed in east-central Illinois and permanently resolve

the cloud it creates on title held by landowners in east-central Illinois.

The Bill accomplishes this by doing two things:

- 1) First, it gives the United States Court of Federal Claims (CFC) the authority to decide whether the United States took lands that were protected by the 1805 Treaty of Grouseland without paying the Tribe; and
- 2) Second, it extinguishes the Tribe's claim to those lands, which forever eliminates the cloud on title for landowners.

The Miami Tribe of Oklahoma is a federally-recognized Indian tribe. Our ancestral homelands are located south of the Great Lakes, in what are now the states of Indiana, Illinois, and Ohio. In 1846, the Tribe was removed from its homelands to what is now the state of Kansas and, in 1867 was again removed from Kansas

to the Indian Territory, now the State of Oklahoma. Our seat of government is located in Ottawa County in Northeast Oklahoma.

In 1805, the Miami Tribe and its historical constituents Eel River Band and Wea signed the Treaty of Grouseland with the United States. Article 4 of that Treaty made it clear that the Tribe HAD NOT ceded lands in the Wabash River watershed, and the United States agreed that it would not take any part of that watershed without the consent of EACH of the tribes. The United States never asked the Tribe for that treaty-protected land. The Tribe never allowed the United States to take that treaty-protected land, and the United States never negotiated with or paid the Tribe for that land. Yet, over time, the United States placed the land in the public domain and transferred it to settlers.

HR 396 extinguishes the cloud on title created by the Tribe's land claim in exchange for a one-year window for the Tribe to bring its case before the CFC. Extinguishment of the claim and the cloud on title DOES

NOT depend on the Tribe's success in that litigation. The claim is extinguished and title cleared regardless of the result of CFC litigation.

The Tribe has worked closely and diligently with the Congressional Leadership from Illinois, with local leaders from Illinois, especially those in the affected treaty area, and with the Illinois Farm Bureau to develop a Bill that will resolve, once and for all, this claim and its effect on title.

The solution in HR 396 is based on the solution presented in 2001 by the Illinois Delegation in HR 791 and S 533. Those Bills were referred to Committee but did not make it to floor votes, expired with the end of that Congress, and were not reintroduced. The solution proposed by the Illinois delegation made sense then and it makes sense now.

Finally, I think it is important to note in this time of tight budgets at home, in the states and here in DC, HR

396 is not a land claim settlement bill. It does not authorize any payment to the Tribe. All it does is gives us our day in court. We still have to make our case and win it. And if we win it, the United States will pay the judgment from the federal Judgment Fund that Congress has already appropriated money for. So, if we get a judgement, Congress does not have to appropriate new money for it, the CBO does not have to score it, and it wouldn't be an "earmark."

The solution makes sense because it addresses both the current and historic landowners' needs at the same time. The current landowners' title is cleared. And the people of the Miami Tribe get their day in court.

Mihši neewe. Thank you Mr. Chairman and to the Committee members for their time and the opportunity to testify in support of the Bill and a special thank you to Congressman Mullin for his leadership and assistance on this Bill.

I am happy to answer any questions that the Committee may have.