



Miami Nation of Indians of the State of Indiana, Inc.

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The Honorable Leger Fernandez
Chairman, Subcommittee for Indigenous Peoples
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

RE: Opposition to HR 6063

Dear Chairwoman Fernandez

I am writing on behalf of the Miami Nation of Indiana, a proud indigenous community that still remains in its aboriginal home in Indiana, and in response to the subcommittee hearing yesterday on several tribal related bills. Specifically, I write to lodge our opposition to HR 6063, legislation to provide for the settlement of certain land disputes regarding lands in Illinois. Under HR 6063, the rights of the Miami Nation of Indiana would be extinguished. This consequence of the bill's passage is not acceptable.

As I understand the legislation, it would extinguish all Miami title to land located in Illinois. It is true that Indiana Miamis are no longer in Illinois, but neither are the Oklahoma Miamis. The claim relates to a treaty to which the predecessors of the Indiana Miami were a party. In fact, Chief Doug Lankford's testimony claims that the Oklahoma Miami is the only successor to that historic tribe. That statement is simply not true. I provide more detail on the Indiana Miami's opposition to HR 6063 below.

According Miami Tribe of Oklahoma Chief Lankford's testimony, the proposed bill would allow the Oklahoma Tribe to litigate a claim against the United States for failure to compensate the Miami Nation for land left to the Miamis in an 1805 treaty but which was nonetheless settled by non-Indians acting under authority of the United States. The Chief's statement identifies historical constituents of the Miami Nation at the time, including the Eel River Band. The bill would also extinguish any lingering Miami claim to title (which creates a cloud on title to those non-Indians now in occupation) immediately upon enactment of the bill.

The bill has potentially prejudicial impact on the interests of the Miami Nation of Indiana, perhaps even constituting a taking without compensation for two reasons. First, the claim described in the bill arose under the Treaty of Grouseland in 1805. This treaty was signed by the Miami Nation and the United States before the United States removed a portion of the Miami from Indiana in 1854, resulting in two separately recognized Miami tribes - the Oklahoma Tribe and the Indiana tribe. As a result, any claim arising before the separation into two tribes would be held today by both tribes - the one in Oklahoma and the one in Indiana - as descendants from the 1805 Treaty. Second, the

Bureau of Indian Affairs has determined that the Eel River Band, the constituent claimed by the Oklahoma Tribe, settled after the separation of the two tribes in 1854 with the Indiana tribe along with the Godfrey Band of Indiana Miami. The BIA's genealogical report on the Indiana Miami specifically concluded that the six major sub-groups of the Indiana tribe include the Eel River Miami.

At a minimum, then, the Oklahoma Tribe holds this claim jointly with the Miami Nation of Indiana, to the extent that the Oklahoma tribe can also document the inclusion of Eel River Miamis among its members.

It is correct that the Miami Nation of Indiana lost its federal recognition in 1897. The Nation has since been working on restoring that status. The BIA's genealogical analysis of the Indiana Miami was prepared as part of the processing of the Nation's petition for federal acknowledgment under 25 CFR Part 83. The BIA ultimately denied that petition on very narrow grounds. There are means by which this process might be reopened and the Nation continues to work on that effort.

In any event, it is historically incorrect that the Miami Tribe of Oklahoma is the only government that represents the Eel River Miamis. Consequently, the Indiana Miami have concerns about incorrect statements Oklahoma Miami are the only successor to our historic tribe. We also have concerns about legislation that would extinguish any Indiana Miami claim to title. We hope these comments will be part of the record and of your thoughtful consideration of this issue.

Sincerely,



Brian Buchanan,
Principal Chief, Miami Nation of Indians
of the State of Indiana