

Prepared Statement of the Honorable Lambert Cleveland, Jr.

Vice President – Ho-Chunk Nation of Wisconsin

Before the Subcommittee on Indian and Insular Affairs

Legislative Hearing on H.R.2827, a bill to provide for the Equitable Settlement of Certain Indian Land Disputes Regarding Land in Illinois

March 4, 2026

Chairman Hurd, Ranking Member Huffman, and distinguished members of the Subcommittee on Indian and Insular Affairs (the “Subcommittee”), I am Lambert Cleveland, Jr., Vice President of the Ho-Chunk Nation of Wisconsin (the “Nation”). I appreciate the opportunity to share with you the views and serious concerns the Nation has regarding H.R.2827, *A bill to provide for the Equitable Settlement of Certain Indian Land Disputes Regarding Land in Illinois*, and S.550, the Senate version of that bill.

We were surprised when the Senate version passed the U.S. Senate just before Christmas in the waning days of 2025. The Senate bill, as you know, is being held at the desk here in the U.S. House of Representatives.

S.550 and its House counterpart, H.R.2827, would resurrect certain claims that are otherwise barred by the *Indian Claims Commission Act of 1946* (the “1946 Act”), a Federal law that provided a five-year window for Indian tribes to assert historical claims against the United States, and have such claims considered and compensated by the Indian Claims Commission.

If enacted, the bill would allow the Miami Tribe of Oklahoma (“Miami Tribe”) to pursue legal claims against the United States in the Court of Federal Claims for large swaths of land in Illinois. In the absence of this legislation, these claims are barred by the 1946 Act.

The Nation was formerly known as the “Wisconsin Winnebago,” and has numerous treaties with the United States. The Nation relies on various historical accounts, placing the Nation, its citizens, and millions of acres of its aboriginal lands in the Upper Midwest, including lands in Illinois, within the area the Miami Tribe seeks to assert claims for compensation pursuant to the pending legislation. Villages and earthworks attributed to Nation history fall

within parts of Illinois, south of Chicago, and into the area in which the Miami Tribe seeks to assert claims. The Nation also currently owns land in Lynwood, Illinois.

If Congress intends to reopen the 1946 Act and provide the Miami Tribe with an exception from existing law to allow it to pursue claims to these lands in the Court of Federal Claims, fundamental fairness and equity require that the Nation be afforded the same opportunity to assert its own claims. The Nation has claims to land that are within the geographic area that the Miami Tribe seeks to assert land claims for. Based on maps and the schedule of land cessions generated for the Indian Claims Commission, the present-day successors-in-interest to the Potawatomi and Kickapoo Tribes might also have land claims in these geographical areas, in addition to the Nation.

Should S.550 or H.R.2827 become law, and the Court of Federal Claims be vested with jurisdiction to hear the Miami's Tribe claims for dispossession of land, it is likely, if not probable, that some of the land that the Miami Tribe will seek compensation for is, in fact, land that the Nation historically possessed. If the Nation is not permitted to assert its own claims in the litigation and present evidence establishing the Nation's historical ties to these areas, the Miami Tribe could end up being compensated for land that historically belonged to the Nation (or even other tribes).

This would be an absurd and, I think this panel would agree, manifestly unjust result. The current federal court regime does not allow such a result because all the Indian Claims Commission cases have been resolved as of 2026. As such, all historical claims for money damages that Indian tribes may have possessed that accrued before 1946 would either have been closed out or are now time-barred. In other words, Indian tribes today are "in the same boat" unless Congress chooses to pick winners by resurrecting an otherwise time-barred claim for a single Indian tribe and, by omission, relegating losers to an unfair result. This would be the consequence if Congress enacts S.550 or H.R.2827 into law without also allowing those Indian tribes, like the Nation, with overlapping claims to similarly assert their claims.

If provided the opportunity, every Indian tribe—with the benefit of hindsight and history—would like a "do-over" of Indian Claims Commission cases or the opportunity to prosecute historical claims it may not have asserted with the Indian Claims Commission during

the five-year window between 1946 and 1951. In this regard, the Nation, like the Miami Tribe, is no different. To the extent that the Miami Tribe's motivation is solely to obtain compensation for historical dispossession of land, then it should welcome the Nation and other Indian tribes with overlapping claims in the same geographic area being able to also present their claims. The Court of Federal Claims, like the Indian Claims Commission before it, is more than capable of considering evidence and deciding competing tribal claims to the same land.

The Miami Tribe, however, may have different motivations, such as utilizing the litigation and any resulting settlement agreement as a means of satisfying the *Indian Gaming Regulatory Act's* "settlement of a land claim" exception to allow gaming on land acquired into trust status after October 17, 1988. A story published in the *Chicago Tribune* on June 6, 2000, titled, "Tribe Files Suit for Land in Illinois, Eyes a Casino," suggests the latter is the Miami Tribe's true motivation here.¹ The Nation leaves it to this Committee and other members of Congress to ask the Miami Tribe the appropriate questions to reveal its actual intent in this regard.

The Nation's position on this legislation has been clear: if this legislation is to move forward, fundamental fairness requires the Nation, and perhaps other Indian tribes, be able to assert their competing claims to a common geographic area. If the Miami Tribe truly wishes to resolve historic claims for dispossession, it should not want to obtain compensation from land that was historically claimed by other Indian tribes and should welcome their participation to ensure that they are not unjustly enriched. Again, if the Miami Tribe's motivations are elsewhere, Congress should explore those motivations.

Thank you for your consideration of the views and concerns of the Nation.

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¹ See <https://www.chicagotribune.com/2000/06/06/tribe-files-suit-for-illinois-land-eyes-a-casino/> (retrieved February 28, 2026).